SPECIAL COMMITTEE REPORTS

Spec. Com. Rep. No. 1

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2021, and finds that the following persons have been legally elected and are fully qualified to sit as members of the Senate.

The newly elected Senators whose respective terms of office will expire on November 8, 2022, are:

Second Senatorial District

Joy A. San Buenaventura

Fifth Senatorial District

Gilbert S.C. Keith-Agaran

Eighth Senatorial District

Ronald D. Kouchi

Ninth Senatorial District

Stanley Chang

Tenth Senatorial District

Les Ihara, Jr.

Eleventh Senatorial District

Brian T. Taniguchi

Thirteenth Senatorial District

Karl Rhoads

Fourteenth Senatorial District

Donna Mercado Kim

Fifteenth Senatorial District

Glenn Wakai

Sixteenth Senatorial District

Bennette E. Misalucha

Nineteenth Senatorial District

Kurt Fevella

Twentieth Senatorial District

Mike Gabbard

Twenty-second Senatorial District

Donovan Dela Cruz

Twenty-fifth Senatorial District

Chris Lee

Signed by Senators Kidani, Kanuha, and Keohokalole, members of the Committee on Credentials

CONFERENCE COMMITTEE REPORTS

Conf. Com. Rep. 1 on S.B. No. 151

The purpose of this measure is to replace the term "accident" with "collision" for the purposes of certain provisions of the statewide traffic code.

Your Committee on Conference finds that the use of the term "accident" when referring to a traffic collision or incident is outdated. The Honolulu Police Department (HPD) replaced the term "accident" with "collision" in their policies, procedures, and report writing more than a decade ago. Additionally, the National Highway Traffic Safety Administration (NHTSA) has encouraged everyone to use the term "collision" instead of "accident" when referring to incidents of vehicular collision. This measure amends the statewide traffic code to replace "accident" with "collision" to bring Hawaii statutes in line with the NHTSA and HPD policies and provide consistency and clarity.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 151, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 151, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Rhoads and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Johanson and Ward. Managers on the part of the House. Ayes, 2. Noes, none. Excused, 1 (Ward).

Conf. Com. Rep. 2 on S.B. No. 329

The purpose of this measure is to:

- (1) Shorten the notice period from sixty days to thirty days for a board of directors of a condominium association to sell, store, donate, or dispose of personalty when the identity and address of the owner are known; and
- (2) Remove the publication requirement and permit the board of directors of a condominium association to proceed directly to the sale, storage, donation, or disposal of personalty that has been abandoned in or on the common elements of a condominium when the identity or address of the owner is unknown.

Your Committee on Conference finds that unwanted personalty may be abandoned in common areas of a condominium by residents, their visitors, or other third parties. Abandoned personalty is often an eyesore and can create safety hazards for other residents, especially when space is limited. When the owner of the personalty or the owner's address is not known, existing law requires a condominium association to first advertise the sale, donation, or disposition at least once in a daily newspaper of general circulation. Your Committee on Conference further finds that this process is burdensome, costly, and lengthy, and can increase the costs associated with the operation of condominiums. This measure simplifies the process for condominium boards when disposing of abandoned or unwanted property.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 329, 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. 329, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Chang. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Kitagawa and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 3 on S.B. No. 1053

The purpose of this measure is to expand the eligibility of organizations that may receive community-based economic development technical and financial assistance beyond community-based organizations to also include for-profit businesses.

Your Committee on Conference finds that expanding the eligibility for community-based economic development technical and financial assistance to include for-profit businesses will allow the Department of Business, Economic Development, and Tourism to assist in the success and viability of a larger number of organizations throughout the State.

Your Committee on Conference has amended this measure by:

- (1) Reverting to the maximum grant amount per applicant of \$100,000;
- (2) Changing the effective date to upon its approval; and

(3) Making technical, nonsubstantive changes for the purposes of clarity and consistency.

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. 1053, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1053, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Taniguchi and Misalucha.

Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Quinlan, Holt and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 4 on S.B. No. 336

The purpose of this measure is to amend the maximum amount of each agricultural and aquacultural loan that the Chairperson of the Board of Agriculture may be authorized to approve unilaterally to an unspecified amount.

Your Committee on Conference finds that increasing the maximum amount of state funds that the Chairperson of the Board of Agriculture is authorized to unilaterally approve for each agricultural and aquacultural loans to \$50,000 will help reduce approval times for micro-loans and ensure that loan applicants receive needed financial assistance in a timely manner.

Your Committee on Conference has amended this measure by:

- (1) Inserting \$50,000 as the maximum loan amount that the Chairperson of the Board of Agriculture may authorize; and
- (2) Making it effective upon its approval.

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. 336, 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. 336, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, English and Nishihara.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Hashem, Perruso, Todd and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Matsumoto).

Conf. Com. Rep. 5 on S.B. No. 186

The purpose of this measure is to prohibit the enforcement of a re-recorded homeowners' association restriction if the restriction prohibits bona fide agricultural uses and activities on agricultural land.

Your Committee on Conference finds subdivision of agricultural lands has significantly increased over the past few decades, resulting in homeowners' associations imposing restrictions that limit bona fide agricultural uses on agricultural lands. Restrictive covenants that limit agricultural uses and activities on agricultural lands undermine the State's interest in protecting and preserving agricultural resources and promoting agricultural self-sufficiency. Thus, this measure clarifies that renewed covenants restricting agricultural uses and activities within the State Land Use Agricultural Districts are considered new contracts and therefore voidable, under limited circumstances.

Your Committee on Conference has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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. 186, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 186, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Baker and Nishihara.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Hashem, Johanson, Ganaden and McDermott.

Managers on the part of the House.

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

Conf. Com. Rep. 6 on H.B. No. 177

The purpose of this measure is to amend the offenses of sexual assault in the first and third degree perpetrated against a person who is mentally defective to provide that a perpetrator commits the offense if the perpetrator is negligent in not knowing of the mental defect of the victim

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 177, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 177, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keohokalole and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

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Representatives Matayoshi, Takumi, Todd and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 7 on H.B. No. 599

The purpose of this measure is to:

- Clarify that regular, annual, and special meetings of planned community associations may be conducted remotely consistent with the Hawaii Nonprofit Corporations Act; and
- (2) Authorize condominium associations to conduct electronic meetings and electronic, machine, or mail voting in a state of emergency or local state of emergency, or any meeting noticed during such emergencies and for which the applicable emergency has since expired under certain circumstances.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to upon approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

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. 599, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 599, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Nishihara. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Kitagawa and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 8 on H.B. No. 941

The purpose of this measure is to:

- (1) Allow the Public Utilities Commission to use electronic filing processes and similar practices as an alternative to hard copy, rather than requiring hard copies and electronic copies; and
- (2) Require the Public Utilities Commission to conform its electronically filed documents and electronic filing processes for compliance with the American with Disabilities Act and all other existing federal laws and regulations to ensure equal access for individuals with disabilities.

Your Committee on Conference has amended this measure by changing the effective date to upon approval.

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. 941, 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. 941, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Keith-Agaran and Chang. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none. Representatives Johanson, B. Kobayashi and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 9 on H.B. No. 943

The purpose of this measure is to establish a different regulatory framework for nondepository trust companies by:

- (1) Clarifying the powers and duties of nondepository trust companies;
- (2) Changing the yearly assessments imposed on nondepository trust companies by basing the calculation on total assets under management;
- (3) Establishing a paid-in capital and surplus requirement in order to charter nondepository trust companies in the State; and
- (4) Appropriating monies from the Compliance Resolution Fund for the Division of Financial Institutions to administer the requirements of new nondepository trusts.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to July 1, 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 943, 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. 943, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, English and Chang.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, B. Kobayashi, Kong and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 10 on H.B. No. 1023

The purpose of this measure is to help the State identify and develop sustainable sources of funding to effectively manage its fisheries by establishing a nonresident recreational marine fishing license and associated fees.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1023, 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. 1023, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Wakai and Riviere.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Nakashima, Branco and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 11 on H.B. No. 243

The purpose of this measure is to help the State prepare for the effects of climate change by:

- (1) Requiring the Office of Planning, in cooperation with each state agency having operational responsibilities over state facilities, to:
 - (A) Identify existing and planned facilities that are vulnerable to sea level rise, flooding impacts, and natural hazards;
 - (B) Assess a range of options to mitigate the impacts of sea level rise to those facilities; and
 - (C) Submit annual reports to the Governor, Legislature, and Hawaii Climate Change Mitigation and Adaptation Commission regarding the vulnerability and adaptation assessments for state facilities and the progress made in implementing sea level rise adaptation in future plans, programs, and capital improvement needs and decisions;
- (2) Amending the Hawaii State Planning Act to include sustainable development, climate change adaptation, and sea level rise adaptation as objectives for facility systems; and

(3) Establishing planning and implementing considerations, policies, and practices related to disaster resilience and climate adaptation, including sea level rise, as a function of statewide concern.

Your Committee on Conference has amended this measure by:

- (1) Removing planning and implementing considerations, policies, and practices related to disaster resilience and climate adaptation, including sea level rise, as a function of statewide concern;
- (2) Requiring the Office of Planning to coordinate sea level rise adaptation, rather than mitigation, with state agencies having operational responsibilities over state facilities;
- (3) Changing its effective date to July 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 243, 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. 243, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Gabbard and Moriwaki.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Lowen, Branco and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 12 on H.B. No. 244

The purpose of this measure is to clarify the data requirements for land recordation by the Bureau of Conveyances, on land other than fee simple time share interests deregistered by the Land Court, to include a plan of the parcel or parcels sought to be deregistered that includes a map and description prepared by a licensed professional surveyor.

Your Committee on Conference has amended this measure by changing its effective date to July 1, 2021.

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. 244, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 244, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Kanuha and Gabbard.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Todd, Branco and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 13 on S.B. No. 399

The purpose of this measure is to:

- (1) Provide that certain rights shall be deemed waived if a preliminary determination of probable cause is rendered during a meeting subject to the requirements of chapter 92, Hawaii Revised Statutes, and the person fails to request a contested case hearing within twenty days of receipt of the preliminary determination; and
- (2) Allow the Campaign Spending Commission to have an order confirmed as a judgment by the First Circuit Court, giving the order the same force and effect as any other judgment issued by the circuit courts.

Your Committee on Conference finds that the Campaign Spending Commission is unable to issue a fine against a person without providing the person with written notice and an opportunity to be heard at a hearing. Your Committee on Conference further finds that a person may waive these rights by written stipulation or consent. Your Committee on Conference additionally finds that the enforcement actions of the Campaign Spending Commission can be delayed if a person declines to participate in the hearing process. This measure will establish an implied waiver of a person's rights to notice and to be heard at a contested case hearing if the person fails to request a hearing prior to a preliminary determination, and will allow the Commission to file orders with the First Circuit Court and enable those orders to be enforceable and collectable in the same manner as other judgments of the court.

Your Committee on Conference has amended this measure by:

- (1) Providing that the right to written notice of an opportunity to be heard shall be deemed waived if a person fails to request a contested case hearing within thirty days of receipt of a preliminary determination rather than twenty days;
- (2) Making an order of the Campaign Spending Commission that is confirmed as a judgment by the First Circuit Court non-appealable; and
- (3) Making it effective upon its approval.

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. 399, 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. 399, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Matayoshi, LoPresti and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (LoPresti).

Conf. Com. Rep. 14 on S.B. No. 200

The purpose of this measure is to clarify that candidates or other committee representatives as specified who make contributions over a certain amount prior to an election are required to file a late contribution report only if the candidate is on the ballot in that election.

Your Committee on Conference finds that while contribution reporting requirements for candidate and noncandidate committees are vital to ensuring transparency and accountability in the election process, requiring candidates who are not on the ballot to file the late contributions report due on the third calendar day prior to an election is inefficient and provides negligible benefit to election integrity. Your Committee on Conference further finds that exempting candidates who are not on the ballot of an election from the requirement to file the late contributions report is consistent with the requirements under section 11-334, Hawaii Revised Statutes, for the filing of preliminary, final, and supplemental reports.

Your Committee on Conference has amended this measure by:

- (1) Specifying the amount of contributions that trigger the requirement to file a late contribution report as \$500;
- (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 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. 200, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 200, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Nakashima, LoPresti and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (LoPresti).

Conf. Com. Rep. 15 on S.B. No. 413

The purpose of this measure is to exclude violation of privacy in the first degree, and certain subsections of violation of privacy in the second degree, from qualifying for deferred acceptance of guilty plea or nolo contendere plea.

Your Committee on Conference 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 argument 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. Your Committee on Conference further finds that due to the serious nature of certain privacy violations involving other people's intimate activities, private communications, or intimate areas of the body, without consent, deferred pleas should not be available for those offenses.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 413, 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. 413, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Gabbard and Kim. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Matayoshi, Todd and Ward. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 16 on S.B. No. 189

The purpose of this measure is to repeal the requirement to prove that a dog has bitten a person on at least two separate occasions prior to bringing legal action against a dog's owner to determine whether conditions of treatment or confinement have changed so as to remove the danger the dog poses to other persons.

Your Committee on Conference finds that dog bites are among the top reasons for emergency room visits, ranking higher than injuries occurring on motorcycles, to pedestrians, and from gunshots. Your Committee on Conference further finds that existing state law only allows a dog bite victim standing in district court if it can be proven to the court that the dog has bitten and injured on a prior separate occasion. This measure will allow an individual to inquire into the conditions of treatment or confinement of a dog without the burdensome requirement of proving the dog previously bit a human being on two separate occasions.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 189, 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. 189, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Todd and Ward. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 17 on S.B. No. 1421

The purpose of this measure is to:

- (1) Create a Dual Use Technology Task Force within the Department of Business, Economic Development, and Tourism to explore how dual use technology can be used to promote economic recovery and diversify the State's economy; and
- (2) Require the task force to submit reports to the Legislature prior to the Regular Sessions of 2023 and 2025.

Your Committee on Conference finds that dual use technology, or technology that has military and civilian applications, is vital to economic growth and a diversified economy in the Hawaii. Hawaii has an extraordinary opportunity to take advantage of the strong military presence in the State and the research conducted on its behalf. However, the State's heavy dependence on its tourism and hospitality industry has taken its focus away from developing innovative concepts and new approaches to technology. This measure allows the State to explore how dual use technology can be used to significantly contribute to Hawaii's economic recovery, thereby promoting a decreased reliance on tourism.

Your Committee on Conference has amended this measure by:

- (1) Inserting a dissolution date of July 1, 2025, for the Dual Use Technology Task Force; and
- (2) Inserting an effective date of July 1, 2021.

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. 1421, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1421, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Wakai, Moriwaki and Fevella. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives Quinlan, Takayama, Holt, DeCoite and Okimoto.

Managers on the part of the House.

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

Conf. Com. Rep. 18 on S.B. No. 489

The purpose of this measure is to increase the maximum area for each agricultural shade cloth structure, cold farm, and greenhouses that could qualify the structure for an exemption from building permit and building code requirements.

Your Committee on Conference finds that low-risk agricultural structures, such as agricultural shade cloth structures, cold frames, and greenhouses, are provided limited exemption from county building permit and building code requirements if under a specified maximum area. Increasing the maximum area allowed from twenty thousand to sixty thousand square feet will increase the number of agricultural structures available to support local food production. Your Committee on Conference further finds that this measure will drastically cut construction costs and effectively utilize the open areas currently required between smaller greenhouses and assist farmers to increase their operations for bigger and more cost-effective protective structures to shelter crops from pest infestation, extreme temperatures, excessive rains, long droughts, and feral animals. This measure seeks to make farming more productive and economically feasible for farmers and help Hawaii reach its self-sustaining food production goals.

Your Committee on Conference has amended this version by changing the effective date to January 1, 2022.

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. 489, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 489, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Nishihara and Baker. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Hashem, Johanson, Todd and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Matsumoto).

Conf. Com. Rep. 19 on S.B. No. 1222

The purpose of this measure is to:

- (1) Expand the scope of the programs for which the University of Hawaii at Hilo's Conference Center Revolving Fund may be expended to include conference center programs conducted by the University of Hawaii at Hilo;
- (2) Authorize the Chancellor of the University of Hawaii at Hilo or the Chancellor's designee, instead of the Dean of the College of Continuing Education and Community Service, to expend monies from the Revolving Fund;
- (3) Exempt the expenditure of monies from the Revolving Fund from bidding requirements under the Hawaii Public Procurement Code: and
- (4) Require the Chancellor of the University of Hawaii at Hilo to submit annual reports to the Legislature that include an accounting for all income and expenditures of the Revolving Fund.

Your Committee on Conference finds that under existing law, the Conference Center Revolving Fund is specifically designated to expend and collect monies in relation to the Conference Center Program offered by the College of Continuing Education and Community Service at the University of Hawaii at Hilo. However, since the College of Continuing Education and Community Service no longer exists, the University of Hawaii at Hilo has not been able to use the fund. This measure enables the University of Hawaii at Hilo to utilize the fund once again. Your Committee on Conference also finds that providing an exemption from the bidding requirements under the Hawaii Public Procurement Code would allow for more efficient use of expenditures out of the fund.

Your Committee on Conference 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 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. 1222, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1222, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Kanuha and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Takayama, Sayama, DeCoite and Okimoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 20 on S.B. No. 512

The purpose of this measure is to expand the Hawaii Healthy Food Incentive Program, also known as the Double Up Food Bucks Program (Program), to make fresh fruits and vegetables more readily accessible to families or individuals in Hawaii who receive assistance through the federal Supplemental Nutrition Assistance Program (SNAP), by:

- (1) Removing the \$10 per visit per day cap on the dollar-for-dollar match received by SNAP beneficiaries under the Program; and
- (2) Specifying that healthy proteins are eligible purchases under the Program.

Your Committee on Conference finds that despite the critical role that fresh fruits and vegetables play in a healthy diet and the prevention of obesity and chronic disease, access to fresh produce for income-limited individuals is difficult due to the high cost of fresh produce, especially for SNAP participants. The Program has been instrumental in supporting local families and farmers and participating local grocers experienced significant increases in sales of local fruits and vegetables paid with SNAP benefits. State investment into the Program will help to increase SNAP beneficiaries' access to fresh and health dietary options, further defray the high cost of healthy eating, and support the agricultural industry, which has been adversely impacted by the ongoing coronavirus disease 2019 pandemic. Further, state funds may generate significant leverage to stimulate economic activity and the State's objectives of doubling local food production by 2030.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 512, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 512, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, English and Rhoads. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Hashem, Yamane, Cullen, Todd and Matsumoto.

Managers on the part of the House.

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

Conf. Com. Rep. 21 on S.B. No. 1412

The purpose of this measure is to authorize the issuance of special purpose revenue bonds to assist HK Management LLC, in planning, designing, constructing, reconstructing, renovating, acquiring, equipping, and improving surf industry center facilities.

Your Committee on Conference finds that HK Management, LLC proposes to develop a surf industry center on state lands, which will include facilities for research, development, manufacturing, and a testing and surf and aquatic film studio. Moreover, the activities within the project facilities will provide opportunities for cultural education, awareness of the history of surfing and Hawaiian culture, employment opportunities, smart tourism, and economic development.

Your Committee on Conference has amended this measure by authorizing the issuance of special purpose revenue bonds in an amount not to exceed \$95,000,000 to assist HK Management LLC in the development of surf industry center facilities.

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. 1412, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1412, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Shimabukuro, Kanuha, Wakai and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, 1 (Wakai).

Representatives Quinlan, Holt and Okimoto. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 22 on S.B. No. 345

The purpose of this measure is to prohibit a manufacturer from importing for profit, selling, or offering for sale any cosmetic that a manufacturer knew or reasonably should have known was developed or manufactured using animal testing performed, on or after January 1, 2022, in a cruel manner.

Your Committee on Conference finds that testing cosmetics on animals is cruel and increasingly unnecessary as there are now thousands of cosmetic ingredients whose effects have already been tested and compiled, especially when new alternatives to animal testing are readily available. These new testing methods are more efficient and humane and provide better predictors of adverse human reactions to new chemical compounds than animal testing. This measure aligns the State with other jurisdictions that have banned testing cosmetics on animals by striking a balance between a complete ban with limited exceptions to the animal testing prohibition.

Your Committee on Conference has amended this measure by inserting an effective date of January 1, 2022.

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. 345, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 345, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Rhoads and Baker. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Hashem, Kitagawa, Todd and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Matsumoto).

Conf. Com. Rep. 23 on S.B. No. 1225

The purpose of this measure is to:

- (1) Require the Chair of the Independent Audit Committee of the University of Hawaii Board of Regents to be selected in a manner consistent with the Bylaws of the Board of Regents;
- (2) Limit the Board of Regents' flexibility to appoint members to the Independent Audit Committee when no member of the Board of Regents has financial expertise, by removing its authority to make other arrangements, including appointing a member of the general public;

- (3) Exempt the Independent Audit Committee from public proceedings and records laws and open meetings laws during its discussions with auditors on matters that should remain confidential, and, at the Independent Audit Committee Chair's discretion, allow the discussions to be held in the absence of the President or Chief Financial Officer of the University of Hawaii: and
- (4) Clarify the Independent Audit Committee's role regarding the University of Hawaii's enterprise risk management.

Your Committee on Conference finds that the Independent Audit Committee is an advisory body established within the Board of Regents of the University of Hawaii by the Bylaws of the Board of Regents, and statutorily established in section 304A-321, Hawaii Revised Statutes. The Independent Audit Committee's responsibilities include overseeing the University of Hawaii's compliance with, and internal controls relating to, various areas of risk management, finance, and accounting. The members of the Independent Audit Committee are appointed by the Chair of the Board of Regents from among the regents.

Your Committee on Conference further finds that while the chairs of the Board of Regents' other standing committees are appointed by the Board Chair pursuant to the Bylaws of the Board of Regents, existing law requires the Chair of the Independent Audit Committee to be selected by the committee members from among themselves. This requirement inadvertently creates a situation in which the Independent Audit Committee may not have a Chair, such as when the Chair's term on the Board of Regents ends on June 30, and committee membership is pending appointment by the Board Chair. In this situation, the Independent Audit Committee will have no Chair to plan and set the agenda for the committee's first meeting. This measure requires appointment of the Independent Audit Committee Chair to be consistent with the Bylaws of Board of Regents, and makes other clarifying amendments.

Your Committee on Conference also finds that there have been incidences in which audit reports of a University of Hawaii program that was reviewed by the Independent Audit Committee found significant issues warranting corrective or remedial action, including non-compliance with applicable laws and policies. Your Committee on Conference further finds that despite years after the issuance of the audit reports, some of the significant issues continue to exist and implications of non-compliance may remain unremedied.

Accordingly, your Committee on Conference has amended this measure by inserting language requiring the Independent Audit Committee to report to the Board of Regents significant issues relating to the operations and programs of the University of Hawaii that warrant corrective or remedial action, and requiring the Board of Regents to take certain actions to ensure that the significant issues are appropriately corrected and remedied.

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. 1225, 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. 1225, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Gabbard and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Takayama, Ichiyama, DeCoite, Gates and Okimoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 24 on S.B. No. 855

The purpose of this measure is to:

- Extend the sunset dates for the Pesticide Subsidy Program and Pesticide Subsidy Program Manager position for an additional two years;
- (2) Provide that the \$600 per year subsidy limit for each single coffee grower applies to coffee berry borer control, with a separate \$600 annual limit per grower for coffee leaf rust control;
- (3) Provide that no single coffee grower can receive subsidies totaling more than an unspecified amount per year after June 30, 2021, and before July 1, 2023; and
- (4) Expand the list of pesticides that the Department of Agriculture is required to establish to include those effective against coffee

Your Committee on Conference finds that the coffee berry borer, an invasive beetle, has been found on Hawaii island, Oahu, Maui, Kauai, and Lanai. In 2020, coffee leaf rust was discovered for the first time in the State on the islands of Maui and Hawaii. Your Committee on Conference further finds that this pest and fungus threaten the viability of the State's entire coffee industry, which represents one of the largest agricultural crops in the State and is an important part of Hawaii's economy. The two-year extension of the Pesticide Subsidy Program and Pesticide Subsidy Program Manager position under this measure will allow the State to continue to subsidize the cost of pesticides best shown to combat the coffee berry borer and coffee leaf rust, thus incentivizing coffee growers to adopt recommended pest management strategies.

Your Committee on Conference has amended this measure by:

- (1) Specifying \$12,000 as the total annual amount for which a single coffee grower can receive subsidies after June 30, 2021, and before July 1, 2023;
- (2) Changing the effective date to July 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 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. 855, 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. 855, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Kanuha and Nishihara.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Hashem, Perruso, Todd and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Matsumoto).

Conf. Com. Rep. 25 on S.B. No. 412

The purpose of this measure is to:

- (1) Clarify implied consent law to make an exception for giving a breath, blood, or urine test pursuant to a search warrant or any other basis permissible under the Constitution of the State of Hawaii and state law; and
- (2) Exclude habitually operating a vehicle under the influence of an intoxicant from qualifying for deferred acceptance of guilty plea or nolo contendere plea.

Your Committee on Conference finds that each person is typically allowed only one deferred plea in their lifetime, and that it is an opportunity for the person to show the court that they have learned their lesson and are unlikely to reoffend in the future. Your Committee on Conference further finds that because of the repeat nature of the offense and the potential for serious harm to others, offenders who habitually operate a vehicle under the influence of an intoxicant should not be eligible for deferred pleas.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 412, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 412, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Matayoshi, Marten and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 26 on S.B. No. 157

The purpose of this measure is to authorize the issuance of a civil license to solemnize marriage and allow solemnization by any individual at least eighteen years of age.

Your Committee on Conference finds that officiants ordained by a religious denomination or society are currently the only persons besides justices, judges, and magistrates who are authorized to officiate a wedding in the State. Your Committee on Conference further finds that the right to marry belongs to all citizens, regardless of their moral beliefs or religious creed. This measure will allow persons without any religious affiliation to perform the marriage rite.

Your Committee on Conference has amended this measure by:

- (1) Providing for the issuance of a temporary three-month license upon the request of an applicant;
- (2) Specifying that the fee for a temporary three-month license shall be \$25; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 157, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 157, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Todd and Ward.

Managers on the part of the House.

Ayes, 3; Ayes with Reservations (Ward). Noes, none. Excused, none.

Conf. Com. Rep. 27 on S.B. No. 834

The purpose of this measure is to establish the felony offense of importation, sale, or possession of a childlike sex doll.

Your Committee on Conference finds that the widespread availability of childlike sex dolls, which are designed to look and feel as lifelike as possible, contributes to the exploitation, objectification, abuse, and sexual assault of minors. Your Committee on Conference further finds that the possession of a childlike sex doll correlates with other offenses perpetrated against children and may reinforce pedophilic thoughts and cause those thoughts to be acted upon with greater urgency. This measure will help protect minors from the harm associated with childlike sex dolls by prohibiting the importation, sale, or possession of a childlike sex doll.

Your Committee on Conference has amended this measure by:

- (1) Adding a misdemeanor offense for importation, sale, or possession of one childlike sex doll;
- (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 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. 834, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 834, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Acasio and Fevella.

Managers on the part of the Senate.

Ayes, 3; Ayes with Reservations (Acasio). Noes, none. Excused, none.

Representatives Kitagawa, Ichiyama and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 28 on S.B. No. 807

The purpose of this measure is to:

- (1) Require each school's academic plan to include a clear accounting of all resources that will be allocated to address and achieve each measurable outcome; the school's priority improvement strategies and measures to determine progress; student growth indicators; information about programs intended to address social and economic conditions that adversely impact student learning; a breakdown of certain teacher vacancy data; average class sizes for all regular education, special education, and content-based English-language learning classes; and teacher workforce experience metrics; and
- (2) Require the Department of Education to submit an annual report on the school academic and financial plans to the Board of Education and the Legislature before the convening of each regular session.

Your Committee on Conference finds that there is a greater need for transparency and accountability from the Department of Education. Your Committee further finds that establishing clear guidance for what should be included in a school's academic plan will better inform the Legislature, Board of Education, and communities of what the school's measurable outcomes are and how resources are allocated to achieve those outcomes.

Your Committee on Conference has amended this measure by clarifying that the data inputs required for student growth indicators, teacher vacancy data, average class size, and school status and improvement report data shall be preloaded into the academic and financial plan template by the Department of Education, and not the individual schools' principals or complex superintendent.

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. 807, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 807, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Perruso, Ganaden, Hashimoto and Okimoto.

Managers on the part of the House.

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

Conf. Com. Rep. 29 on S.B. No. 1384

The purpose of this measure is to provide that the prohibition against serving two consecutive terms not to exceed eight consecutive years shall not apply to the term of the representative of Hawaiian medium early learning providers on the Early Learning Board.

Your Committee on Conference finds that the Early Learning Board provides crucial input, direction, and oversight necessary for the Executive Office on Early Learning to achieve its statutory responsibilities. Representatives on the Early Learning Board are reflective of the diversity of the early care and education field in Hawaii, providing unique and important input on how to best serve Hawaii's families and young children. The State has long recognized the value of its host culture and has taken such actions as designating the native Hawaiian language as one of its two official state languages and creating native Hawaiian immersion charter schools. This measure will allow for better qualified, continued representation for Hawaiian early learning providers on the Early Learning Board.

Your Committee on Conference amended this measure by:

- (1) Inserting a repeal date of June 25, 2025; and
- (2) Changing the effective date to upon its approval.

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. 1384, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1384, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kim and Kanuha. Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Ilagan, Hashimoto, Perruso and Okimoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 30 on H.B. No. 776

The purpose of this measure is to authorize the issuance of special purpose revenue bonds to assist Pueo Development, LLC, in building a master planned community on Hawaiian Home Lands.

Your Committee on Conference has amended this measure by:

- (1) Changing the authorized amount of the special purpose revenue bonds from an unspecified amount to \$80,000,000;
- (2) Deleting references to processing enterprises; and
- (3) Changing the effective date to July 1, 2021.

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. 776, 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. 776, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Shimabukuro, Kanuha and English.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakamura, Yamashita and Ward.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 31 on H.B. No. 119

The purpose of this measure is to amend Act 43, Session Laws of Hawaii 2019 (Act 43), by:

- (1) Replacing E Ola Mau Na Leo O Kekaha with Kaunalewa as the entity authorized to receive special purpose revenue bonds issued to assist with the acquisition, remediation, and development of the old Kekaha Sugar Mill in Kekaha, Kauai, Hawaii; and
- (2) Extending the lapse date for which the special purpose revenue bonds may be authorized from June 30, 2024, to June 30, 2026.

Your Committee has amended this measure by:

- (1) Reverting to Act 43's existing special purpose revenue bond authorization of \$10,000,000;
- (2) Deleting provisions that would have extended the lapse date for Act 43's special purpose revenue bond authorization;
- (3) Changing the effective date to upon its approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 119, 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. 119, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Kanuha and Keith-Agaran.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Keith-Agaran).

Representatives Quinlan, Holt, Morikawa and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Okimoto).

Conf. Com. Rep. 32 on H.B. No. 683

The purpose of this measure is to 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 greenhouse gas reduction from commercial aviation operations.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to July 1, 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 683, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 683, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Wakai and Kanuha. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Quinlan, Kitagawa, Holt and Okimoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 33 on H.B. No. 1043

The purpose of this measure is to facilitate the administration of the transient accommodations tax by:

- (1) Providing that any taxpayer who receives gross rental proceeds shall pay the tax;
- (2) Replacing certain references to "operator" or "plan manager" with "taxpayer" or "person";
- (3) Clarifying that a certificate of registration is required for persons advertising transient accommodations;
- (4) Eliminating the misdemeanor criminal penalty for failing to register and replacing it with a monetary fine structure;
- (5) Applying the personal liability provision under the general excise tax law to the transient accommodations tax; and
- (6) Repealing provisions establishing the office of the taxation district in which the taxes arose or the office of the first taxation district in Honolulu as the recipient of periodic returns.

Your Committee has amended this measure by changing the effective date to January 1, 2022.

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. 1043, H.D. 3, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1043, H.D. 3, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Wakai and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Onishi, Quinlan, Sayama and Okimoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 34 on H.B. No. 1253

The purpose of this measure is to:

- (1) Prohibit an employer, with certain exemptions, from requiring an employee or prospective employee to download to their personal communication device a mobile application that enables the employee's location to be tracked or their personal information to be revealed, as a condition of employment or continued employment;
- (2) Prohibit an employer, with certain exemptions, from terminating, discharging, or otherwise discriminating against an employee or prospective employee for refusing to download or refusing to consent to download the mobile application to the employee's personal communication device; or opposing any forbidden practice or filing a complaint, testifying, or assisting in any proceeding concerning an unlawful practice;
- (3) Allow a person who alleges a violation to bring a civil action for injunctive relief, actual damages, or both; and
- (4) Set fines for violations.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

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. 1253, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1253, H.D. 3, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Rhoads and Keohokalole.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Keohokalole).

Representatives Onishi, Kitagawa, Matayoshi and Okimoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 35 on H.B. No. 723

The purpose of this measure is to appropriate funds to purchase and distribute personal protective equipment and industrial hygiene products to hospitals, childcare facilities, elderly care facilities, businesses, nonprofits, schools, and state departments and attached agencies.

Your Committee on Conference has amended this measure by:

- (1) Reverting to the S.D. 1 version, which amends Act 9, Session Laws of Hawaii 2020, to authorize the use of funds received from the Coronavirus Aid, Relief, and Economic Security Act for the purchase and distribution of personal protective equipment and industrial hygiene products to state departments and attached agencies, in addition to other organizations; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

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. 723, 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. 723, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Ichiyama, Quinlan, Eli and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 36 on H.B. No. 954

The purpose of this measure is to convert certain positions within the Hawaii Emergency Management Agency from civil service to exempt status.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 954, 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. 954, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Taniguchi, English, Rhoads and Riviere.

Managers on the part of the Senate.

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

Representatives Ichiyama, Onishi, Eli, Sayama and Ward.

Managers on the part of the House.

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

Conf. Com. Rep. 37 on H.B. No. 103

The purpose of this measure is to:

- (1) Clarify that the powers granted for emergency purposes shall not be inconsistent with the Hawaii State Constitution;
- (2) Provide parameters for the duration of suspension of laws under an emergency order and require justification for the suspension;
- (3) Require approval of the Legislature by concurrent resolution to extend to a date certain, or deny the extension of, a proclamation of a state of emergency timely requested by the Governor and specifies that if the Legislature fails to take action, the state of emergency is automatically extended for sixty days; and
- (4) Allow the authorization of the issuance of a separate proclamation arising from the same emergency or disaster as a previous proclamation that expired, upon request of the Governor and adoption of a concurrent resolution by the Legislature.

Your Committee on Conference has amended this measure by:

- (1) Clarifying further the parameters for the termination of a state of emergency;
- (2) Specifying that if an emergency proclamation was terminated by the Legislature, a subsequent proclamation declaring the existence of a state of emergency arising from the same emergency or disaster may be authorized for no more than sixty days upon the request by the Governor and adoption of a concurrent resolution by the Legislature;
- (3) Changing the effective date to upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 103, 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. 103, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Rhoads and Wakai. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Ichiyama, Nakashima, Nishimoto, Eli and Ward.

Managers on the part of the House.

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

Conf. Com. Rep. 38 on H.B. No. 237

The purpose of this measure is to appropriate funds to the Department of Agriculture for the mitigation and control of the two-lined spittlebug and fund recovery efforts.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$350,000 for fiscal year 2021-2022 only;
- (2) Changing the source of funding to the funds received by the State of Hawaii from the American Rescue Plan Act of 2021, Public Law 117-2 (Section 9901);
- (3) Changing its effective date to July 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 237, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 237, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Inouye and Kanuha. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Hashem, Perruso, Tokioka and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Matsumoto).

Conf. Com. Rep. 39 on H.B. No. 1192

The purpose of this measure is to:

- (1) Establish a framework for providing new, viable installment loan transactions; and
- (2) Repeal the statutory authorization for deferred deposit transactions in the State.

Your Committee on Conference has amended this measure by:

- (1) Specifying that the late filing fees for an installment lender's failure to file an annual report or pay the annual renewal fee are to be assessed on a per day basis, rather than per business day;
- (2) Changing the effective date to July 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1192, 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. 1192, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, English and Rhoads. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none. Representatives Johanson, Cullen and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 40 on H.B. No. 1016

The purpose of this measure is to:

- (1) Provide that a single valid commercial marine vessel license satisfies the licensure requirement for all persons aboard the licensed vessel, if the vessel is on a trip of seventy-two hours or less;
- (2) Require any person who provides fishing charter services to obtain a commercial marine license;
- (3) Allow any vessel used for or engaged in the taking of marine life for commercial purposes to obtain a commercial marine vessel license, if the vessel is on a trip of seventy-two hours or less;
- (4) Authorize the Department of Land and Natural Resources to establish rules and fees for the issuance of a commercial marine vessel license; and
- (5) Require the Department of Land and Natural Resources to submit a report to the Legislature regarding the status of its administrative rules establishing a new commercial marine vessel license category.

Your Committee on Conference has amended this measure by:

- (1) Providing that a single valid commercial marine vessel license satisfies the licensure requirement for all persons aboard the licensed vessel, regardless if the vessel is on a trip of seventy-two hours or less;
- (2) Requiring the commercial marine vessel licensee of a Hawaii longline vessel that satisfies the commercial marine license requirement by obtaining the vessel license to file an annual report with the Department of Land and Natural Resources that contains the identity, nationality, arrival date, and departure date of the crew members;
- (3) Authorizing any vessel used for or engaged in the taking of marine life for commercial purposes to be eligible to obtain a commercial marine vessel license, regardless if the vessel is on a trip of seventy-two hours or less;
- (4) Changing the effective date to upon its approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1016, 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. 1016, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Rhoads and Moriwaki.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Kitagawa, Branco and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 41 on H.B. No. 1291

The purpose of this measure is to allow applicants to the University of Hawaii who earned a high school diploma from a public high school in the State with a cumulative grade point average of 3.0 and also provide evidence that they qualified for and received special education services for two or more years during enrollment in grades nine through twelve to be eligible for the Hawaii State Scholars Program.

Your Committee on Conference has amended this measure by:

- (1) Amending the eligibility requirements to include applicants who provide evidence that the student qualified for and received special education for two or more years during enrollment in grades seven through twelve; and
- (2) Changing the effective date to upon approval.

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. 1291, 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. 1291, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

 $Representatives\ Woodson,\ Takayama,\ Perruso,\ De Coite\ and\ Okimoto.$

Managers on the part of the House.

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

Conf. Com. Rep. 42 on H.B. No. 282

The purpose of this measure is to:

- (1) Expand the circumstances where a minor may consent to no cost emergency shelter and related services to include cases where the provider is coordinating with the Department of Human Services' Child Welfare Services Branch; and
- (2) Clarify the definition of "provider" as it relates to the entities eligible to provide no cost emergency shelter and related services to a consenting minor to include certain organizations who are not considered child placing organizations or child caring institutions.

Your Committee on Conference has amended this measure by:

- (1) Removing as duplicative the requirement that a provider coordinate with the Department of Human Services, as this requirement is already contained in the expanded definition of "provider" as amended by this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 282, 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. 282, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators San Buenaventura, Rhoads and Acasio.

Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Nakashima, LoPresti and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 43 on H.B. No. 313

The purpose of this measure is to:

- (1) Repeal the requirement that no less than fifty percent of the assessment fees deposited into the John A. Burns School of Medicine Special Fund be used for purposes identified by the Hawaii Medical Education Council;
- (2) Repeal the monetary cap of expenditures from the John A. Burns School of Medicine Special Fund; and
- (3) Authorize monies in the John A. Burns School of Medicine Special Fund to be used to provide loan repayment to physicians who commit to working in medically underserved areas of the State as part of the Hawaii State Loan Repayment Program and award scholarships for qualifying medical students.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the name of the loan repayment program is the "Hawaii State Loan Repayment Program";
- (2) Changing the effective date to July 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 313, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 313, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Kanuha, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Rhoads).

Representatives Yamane, Takayama, Tam, DeCoite, LoPresti and Ward.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, 1 (Ward).

Conf. Com. Rep. 44 on H.B. No. 334

The purpose of this measure is to:

- (1) Establish the State Drug and Alcohol Toxicology Testing Laboratory Special Fund to support a State Drug and Alcohol Toxicology Testing Laboratory;
- (2) Specify that monies in the State Highway Fund may be expended for the cost of establishing a State Drug and Alcohol Toxicology Testing Laboratory;
- (3) Require that fines imposed on offenders convicted of repeat or habitual offenses involving operating a vehicle under the influence of an intoxicant or convicted of operating a vehicle after a license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant be deposited into the State Drug and Alcohol Toxicology Testing Laboratory Special Fund; and

(4) Require the Department of Health to submit reports to the Legislature on expenditures from the State Drug and Alcohol Toxicology Testing Laboratory Special Fund.

Your Committee on Conference has amended this measure by:

- (1) Reverting to the H.D. 1 version, which is substantially similar; and
- (2) Further amending this measure by:
 - (A) Abolishing and repealing the State Drug and Alcohol Toxicology Testing Laboratory Special Fund on June 30, 2026, and requiring any unencumbered remaining balances to lapse to the general fund; and
 - (B) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 334, 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. 334, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Rhoads, English, San Buenaventura and Fevella.

Managers on the part of the Senate.

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

Representatives Nakashima, Holt, Tokioka and Ward.

Managers on the part of the House. Aves, 4. Noes, none. Excused, none.

Ayes, 4. Noes, none. Excused, no

Conf. Com. Rep. 45 on H.B. No. 887

The purpose of this measure is to:

- (1) Create a separate commercial sexual exploitation offense for those who provide anything of value to engage in sexual conduct with another:
- (2) Specify that the offense of sex trafficking may be prosecuted at any time;
- (3) Specify that sex trafficking includes advancing or profiting from prostitution by certain means, including through coercion;
- (4) Make a person strictly liable for sex trafficking of a minor in terms of the victim's age;
- (5) Rename offenses involving the solicitation of prostitution to use the more appropriate term of commercial sexual exploitation;
- (6) Amend the elements for commission of the offense of commercial sexual exploitation of a minor and increase the grade of offense to a class B felony;
- (7) Include anything of value as a type of compensation for purposes of engaging in prostitution or other offenses involving commercial sexual exploitation; and
- (8) Clarify the exemption from commercial sexual exploitation and prostitution-related offenses for law enforcement officers acting in the course and scope of duties.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the definition of "sexual offense" under the Registration of Sex Offenders and Other Covered Offenders and Public Access to Registration Information Chapter applies to persons who commit the offense of commercial sexual exploitation in reckless disregard of the fact that the person exploited is a victim of sex trafficking, rather than petty misdemeanor commercial sexual exploitation offenders;
- (2) Clarifying that the state of mind requirement for the offense of commercial sexual exploitation is not applicable to the fact that the victim was a minor if the person provides anything of value to a minor or third person as compensation for having engaged in sexual conduct with a minor, rather than if the person offers or agrees to provide anything of value to a member of a police department, a sheriff, or a law enforcement officer who represents that person's self as a minor to engage in sexual conduct; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 887, 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. 887, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators San Buenaventura, Rhoads and Misalucha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Matayoshi and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 46 on S.B. No. 367

The purpose 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.

Your Committee on Conference finds that waiving the requirement of water quality certification for small-scale beach restoration projects will result in the efficient administration of site-specific water pollution control and more practical and realistic erosion control alternatives to the deleterious practice of coastal armoring.

Your Committee on Conference 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 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. 367, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 367, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Gabbard, Rhoads and Keith-Agaran.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Keith-Agaran).

Representatives Lowen, Tarnas, Nakashima, Kong and Matsumoto.

Managers on the part of the House.

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

Conf. Com. Rep. 47 on S.B. No. 764

The purpose of this measure is to add a permanent commercial driver's license disqualification for a holder of a commercial driver's license or commercial learner's permit who is convicted of a felony involving a severe form of trafficking in persons.

Your Committee on Conference finds that on July 23, 2019, the Federal Motor Carrier Safety Administration of the United States Department of Transportation issued a final rule that provides that drivers who are convicted of a felony involving severe forms of trafficking in persons while operating a commercial motor vehicle for which a commercial driver's license or commercial learner's permit is required are permanently banned from holding the license or permit without the possibility of reinstatement. Your Committee on Conference further finds that this final rule requires states to achieve substantial compliance within three years of the final rule's effective date to avoid certain penalties. Accordingly, this measure brings Hawaii into compliance with the federal rule.

Your Committee on Conference notes that the S.D. 1 version of this measure specifies the definition for the term "severe forms of trafficking in persons", rather than providing a citation for the definition in the corresponding federal rule. The language in the S.D. 1 is therefore preferable for purposes of clarity.

Your Committee on Conference has amended this measure by reverting its contents to the S.D. 1 version and further amending it by:

- (1) Deleting language that would have inserted the definition of "severe forms of trafficking in persons" into section 286-2, Hawaii Revised Statutes, and instead inserting it into section 286-240, Hawaii Revised Statutes;
- (2) Inserting a definition for the term "commercial sex act"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 764, 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. 764, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Chang. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Ichiyama, LoPresti and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 48 on S.B. No. 973

The purpose of this measure is to:

- (1) Amend the Money Transmitters Act;
- (2) Incorporate definitions of key terms provided in the Model Money Services Business Law;
- (3) Add supporting documentation required to be submitted by an applicant for licensure;
- (4) Extend the period of an applicant's litigation and criminal conviction history review from five years to ten years from the date of the application;

- (5) Require an applicant to submit information concerning any bankruptcy or receivership proceedings; and
- (6) Clarify the authority of the Commissioner of Financial Institutions to examine and investigate licensees and participate in nationwide protocols for licensing cooperation.

Your Committee on Conference finds that the money transmission industry has evolved since the enactment of Hawaii's Money Transmitter Act in 2006. The current fast-paced nature of money transmission and the increased innovation of financial technologies necessitates additional oversight of money transmitters to ensure appropriate consumer protection. This measure adopts certain model act provisions to allow Hawaii to work alongside a network of states to enable timely, coordinated, and efficient regulation of transglobal, regional, and single-state money transmission companies to provide financial stability and better protect consumers.

Your Committee on Conference has amended this measure by inserting an effective date of July 1, 2021.

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. 973, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 973, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Misalucha. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Quinlan, Johanson, Holt and Okimoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 49 on S.B. No. 766

The purpose of this measure is to allow a penalty of up to \$5,000 for certain repeat offenders of the motor carrier law.

Your Committee on Conference finds that commercial Public Utilities Commission (PUC) motor carriers traditionally transport high numbers of tourists to many locations around the State. However, the trucking and tour vehicle industry have long had to contend with unlicensed and unregulated operators who seek to skirt the PUC requirements of motor carrier operations. This measure will strengthen the PUC's ability to punish those who repeatedly break the rules.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 766, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 766, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Baker and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Kitagawa, Nishimoto and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 50 on S.B. No. 1409

The purpose of this measure is to:

- (1) Prohibit a newly appointed or reappointed council, board, and commission member 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;
- (2) Require the Office of Hawaiian Affairs and 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
- (3) Require the Office of Hawaiian Affairs to record the training courses and make the recordings available to those who were unable to attend the training course in person.

Your Committee on Conference finds that Act 169, Session Laws of Hawaiia 2015 (Act 169), required the Office of Hawaiian Affairs to establish, design, and administer a training course on native Hawaiian traditional and customary rights, the source of these rights, and how the infringement of these rights affects native Hawaiians. Act 169 requires new members of certain state councils, boards, and commissions to complete the training course within one year of their appointment. Currently, 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. Therefore, this measure strengthens requirements of 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 Committee on Conference has amended this measure by:

- Removing language that would have allowed for individual votes taken by council, board, or commission members who fail to
 complete the mandatory training course within the required time period to be challenged and subject to being nullified and
 voided following a contested case proceeding;
- (2) Clarifying that the Office of Hawaiian Affairs shall record the training courses and make the recordings available to council, board, and commission members identified in section 10-41(a), Hawaii Revised Statutes, who have not yet satisfied the training requirement and were unable to attend the training course;
- (3) Specifying that viewing a recording of a training course satisfies the training requirement;
- (4) Changing the effective date to April 1, 2022; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1409, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1409, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Shimabukuro, Rhoads, Acasio and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Nakashima, Cullen, Takumi and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 51 on S.B. No. 696

The purpose of this measure is to:

- Extend the date on which the temporary Commission on the Thirteenth Festival of Pacific Arts ceases to exist to August 31, 2025; and
- (2) Permit less than a quorum of members of the temporary Commission on the Thirteenth Festival of Pacific Arts to discuss matters relating to official board business outside a Commission meeting as a permitted interaction matter under part I of chapter 92, Hawaii Revised Statutes, to enable the members to perform their duties faithfully, provided that the Commission holds a meeting at least once a month.

Your Committee on Conference finds that Act 104, Session Laws of Hawaii 2017 (Act 104), created the temporary Commission on the Thirteenth Festival of Pacific Arts (Commission) to plan the Festival of Pacific Arts originally scheduled to be held in Hawaii in 2020. Due to the outbreak of the coronavirus disease 2019, the Pacific Community notified the State that it is postponing the Festival of Pacific Arts to 2024. Therefore, the Commission, which was to cease to exist on June 30, 2021, must be extended to fulfill its duties to plan for the Thirteenth Festival of Pacific Arts in 2024. Additionally, Commission members have had to take on more handson tasks because of a lack of contractor to oversee the festival; thus, this has resulted in smaller groups of Commission members that need to communicate outside of publicly noticed meetings to carry out their tasks. Your Committee on Conference finds that this measure will balance the public interest in access to government decision-making, while simultaneously allowing Commission members to oversee the tasks necessary to running the festival.

Your Committee on Conference has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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. 696, 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. 696, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Shimabukuro, Rhoads and English.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Gates, Cullen, Har and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 52 on S.B. No. 516

The purpose of this measure is to:

- (1) Beginning July 1, 2022, require the State Board for Career and Technical Education to oversee and review annually certain statewide processes, requirements, and rules related to the student attainment of industry-recognized credentials;
- (2) Require an annual report to the Governor and Legislature; and
- (3) Require the statewide longitudinal data system to include career and technical education data for analysis.

Your Committee on Conference finds that in the current job market, nearly sixty-five percent of available positions require postsecondary credentials. Industry-recognized credentials are important because they teach the specific knowledge and skills that are required for an occupation or industry. This measure will help break down Hawaii labor market data by credentials to help develop career and technical training pathways that can contribute to future workforce generations.

Your Committee on Conference amended this measure by changing the effective date to upon its approval; provided that the provision in this measure that requires the State Board for Career and Technical Education to oversee and review certain processes related to industry-recognized credentials shall take effect on July 1, 2022.

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. 516, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 516, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Wakai and Kanuha. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Matayoshi, Perruso, Ganaden, Gates and Okimoto.

Managers on the part of the House. Ayes, 6. Noes, none. Excused, none.

Conf. Com. Rep. 53 on S.B. No. 1212

The purpose of this measure is to amend the registration requirements for motor carrier vehicles that have an outstanding federal out-of-service order.

Your Committee on Conference finds that this measure will bring Hawaii into compliance with the federal Performance Registration Information Systems Management (PRISM) program that identifies motor carriers that are under a federal out-of-service order because those motor carriers have not corrected safety deficiencies found in compliance review inspections. This measure will allow the State to be compliant with and qualify under PRISM and thus continue to qualify for federal funding.

Your Committee on Conference has amended this measure by inserting an effective date of July 1, 2021.

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. 1212, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1212, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Baker and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Aquino, Johanson, Ilagan and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 54 on S.B. No. 474

The purpose of this measure is to require that mandatory seller disclosures in real property transactions include whether a residential real property is within the sea level rise exposure area as designated by the Hawaii Climate Change Mitigation and Adaptation Commission or its successor.

Your Committee on Conference finds that the value of property lying within the boundaries of a sea level rise exposure area will likely be affected over time, and is therefore a material fact that should be disclosed by the seller in a real property transaction in accordance with chapter 508D, Hawaii Revised Statutes, relating to mandatory seller disclosures in real estate transactions. Your Committee on Conference further finds that the Hawai'i Association of REALTORS will need time to not only update the seller's real property disclosure statement and the oceanfront property addendum of their purchase contracts, but also to train their members to use the Hawaii sea level rise viewer, which is an interactive mapping tool that depicts projections for future hazard exposure and assesses economic and other vulnerabilities due to rising sea levels.

Your Committee on Conference has amended this measure by inserting an effective date of May 1, 2022.

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. 474, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 474, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Baker, Rhoads and Misalucha. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives Tarnas, Johanson, Ganaden and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 55 on S.B. No. 1313

The purpose of this measure is to:

- (1) Establish, no later than January 1, 2023, a pilot project in the Division of Aquatic Resources of the Department of Land and Natural Resources to restock northern largemouth bass, butterfly peacock bass, or both, in the Wahiawa public fishing area in central Oahu; and
- (2) Require the Division of Aquatic Resources to apply to the Board of Agriculture for the permit to import the northern largemouth bass and work with another public entity or partner with a private entity to accomplish the pilot project.

Your Committee on Conference finds that the northern largemouth bass and butterfly peacock bass are some of the most popular gamefish in the United States; however, bass fishing in Hawaii is far less popular than in other states, partially because of the lack of a diverse population of these sport fish in Hawaii's artificial reservoirs. Placing the northern largemouth bass and the butterfly peacock bass on the Restricted Animal List, Part B, would allow the Department of Land and Natural Resources the ability to import and restock the Wahiawa public fishing area to refresh the genetic diversity of these fish populations while minimizing the risk of spread or possible introduction to other bodies of water. This measure would thereby enhance and support the pre-existing populations for continued recreational fishing in Hawaii.

Your Committee on Conference has amended this measure by:

- (1) Providing that the pilot project shall be established provided that the Board of Agriculture has placed the northern largemouth bass and butterfly peacock bass on the list of restricted animals that require a permit for both import into the State and possession, pursuant to section 150A-6.2, Hawaii Revised Statutes;
- (2) Inserting an effective date of July 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1313, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1313, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Inouye, Rhoads and Keith-Agaran.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Tarnas, Johanson, Cullen, Kong and McDermott.

Managers on the part of the House.

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

Conf. Com. Rep. 56 on S.B. No. 1150

The purpose of this measure is to authorize the Department of Health to accept nationally recognized accreditation or certification organizations to demonstrate a skilled facility's compliance with the licensing inspections required by the State.

Your Committee on Conference finds that The Joint Commission and other nationally recognized accrediting agencies have certification standards that are more stringent than those required by state law. Your Committee on Conference further finds that authorizing the Department of Health to recognize these accreditation and certification reviews to establish a skilled nursing facility's compliance with state licensing requirements will allow the Department of Health to better allocate resources to its regulatory oversight responsibilities, while also permitting the Department's Office of Healthcare Assurance to deploy staffing resources to other equally important investigations and surveys.

Your Committee on Conference has amended this measure by changing the effective date to upon its approval.

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. 1150, 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. 1150, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Baker and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Johanson, Kapela and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 57 on S.B. No. 224

The purpose of this measure is to:

- (1) Give a preference to students who live within the service area of a school or who were enrolled at the school in the previous school year and apply for participation in a career and technical education program offered by that school; and
- (2) Exempt students enrolled in a career and technical education program from the requirement to attend school within the service area in which a student resides.

Your Committee on Conference finds that a gap exists between the skills that students in the State attain upon graduation from high school and the skills that employers in the State are seeking. Business leaders in Hawaii's expanding industries report that it is often difficult to recruit local applicants who have the necessary skills and experiences. Your Committee on Conference further finds that educational programs specializing in career readiness and technical skills can be effective in preparing students in Hawaii to enter the State's job market. This measure expands the number of students receiving career and technical skills education by allowing students to enroll in career and technical programs, regardless of where they reside.

Your Committee on Conference has amended this measure by:

- (1) Updating the purpose section; and
- (2) Changing the effective date to upon its approval.

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. 224, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 224, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Perruso, Gates and Okimoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 58 on S.B. No. 806

The purpose of this measure is to require the Attorney General, 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 on Conference 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 on Conference has amended this measure by changing the effective date to upon its approval.

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. 806, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 806, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Wakai and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Tarnas, Matayoshi, Cullen, Tokioka and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 2 (Tarnas, Tokioka).

Conf. Com. Rep. 59 on S.B. No. 813

The purpose of this measure is to require authorizers to provide to each charter school it oversees a list of approved independent auditors

Your Committee on Conference finds that charter schools may only select an auditor from a list of three auditors selected by the authorizer. There are currently not enough auditors in Hawaii to meet the required timeline to ensure charter school audits are included in the consolidated annual financial reports. Your Committee further finds that many of the auditors selected by the authorizer are based on Oahu, which makes it more difficult for charter schools on the other islands to complete their audits and forces those charter schools to incur additional expenses and delays. This measure would allow the charter schools to choose from a list of more than three independent auditors to conduct audits and provide access to auditors for the many charter schools that operate on all the islands across the State.

Your Committee on Conference has amended this measure by changing the effective date to upon its approval.

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. 813, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 813, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none. Representatives Woodson, Johanson, Ilagan, Gates, Perruso and Okimoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, 1 (Johanson).

Conf. Com. Rep. 60 on S.B. No. 811

The purpose of this measure is to require the Department of Education to publish a weekly report on schools that have reported positive coronavirus disease 2019 (COVID-19) cases.

Your Committee on Conference finds that although the Department of Education has stated that it has communication policies and procedures in place to address COVID-19 cases, it generally has not provided information about positive COVID-19 test result cases on all school campuses and the limited information that it has shared has been inconsistent and incomplete. Your Committee further finds that of the limited information publicly released, positive COVID-19 cases listed by schools are not included. This measure will help to provide critical, real-time data necessary to assess school reopening and to respond to COVID-19 outbreak events that may place students, their families, and school staff at a heightened risk.

Your Committee on Conference has amended this measure by changing the effective date to upon its approval.

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. 811, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 811, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Rhoads, Dela Cruz, Kanuha and Fevella.

Managers on the part of the Senate.

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

Representatives Woodson, Ichiyama, Ilagan, Eli, Hashimoto and Okimoto.

Managers on the part of the House.

Ayes, 6. Noes, none. Excused, none.

Conf. Com. Rep. 61 on S.B. No. 404

The purpose of this measure is to:

- (1) Lower the monetary threshold that triggers disclosure of electioneering communications. Repeals the requirement that disclosures of electioneering communications occur on the date of any subsequent expenditures;
- (2) Classify election advertisements sent by mail at any postal rate as electioneering communications;
- (3) Exempt communications that are actual expenditures of an organization from being considered electioneering communications; and
- (4) Exclude candidate and candidate committees from the disclosure requirements.

Your Committee on Conference finds that electioneering communications are meant to expose noncandidate influences on elections which have been shown to radically influence the outcomes of elections in the State. Your Committee on Conference further finds that changing the disclosure date to the date on which the advertisement runs and triggering the requirement to file a statement of information at that time will increase public transparency and accountability in campaign advertising.

Your Committee on Conference has amended this measure by making it effective upon its approval; provided that it applies beginning with the 2022 primary election.

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. 404, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 404, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Nakashima, D. Kobayashi, Tokioka and Ward.

Managers on the part of the House.

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

Conf. Com. Rep. 62 on S.B. No. 1387

The purpose of this measure is to require dog and cat owners to microchip their pets.

Your Committee on Conference finds that microchips are the safest, most accessible, and most affordable identification tool for pet owners. Microchipping is an affordable way to locate a missing pet as it bypasses the need for animal control, thereby eliminating the cost of intake and boarding of lost pets at the expense of taxpayers. This measure will ensure that lost pets are returned to their owners in a timely and safe manner by requiring certain dogs and cats to be microchipped.

Your Committee on Conference has amended this measure by inserting an effective date of January 1, 2022.

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. 1387, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1387, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Gabbard and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Hashem, Johanson, Todd and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 63 on S.B. No. 385

The purpose of this measure is to:

- (1) Enact the 2018 Uniform Trust Code; and
- (2) Repeal the Uniform Trustees' Powers Act, Uniform Prudent Investor Act, and laws regarding trust administration under the Uniform Probate Code.

Your Committee on Conference finds that to date, the Uniform Trust Code has been enacted by thirty-four states and the District of Columbia. Your Committee on Conference further finds that this piece of uniform legislation standardizes the law of trusts so that parties across a diverse range of jurisdictions can rely on the same governing principles. This measure will update Hawaii statutes relating to trusts and bring them under one comprehensive umbrella, which will significantly reduce the time, complexity, and expense of trust proceedings.

Your Committee on Conference has amended this measure by inserting an effective date of January 1, 2022.

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. 385, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 385, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Acasio and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Matayoshi, Johanson, Marten, D. Kobayashi and Ward.

Managers on the part of the House. Aves, 5. Noes, none. Excused, none.

Conf. Com. Rep. 64 on S.B. No. 1042

The purpose of this measure is to:

- (1) Repeal the provision that allows persons designated as sex offenders in another state or jurisdiction to petition the Attorney General for termination of registration requirements upon demonstrating that the out-of-state convictions are not covered offenses in the State of Hawaii;
- (2) Require certain long term visitors to Hawaii with out-of-state sex offender convictions to register; and
- (3) Clarify how persons required to register as sex offenders can petition to terminate registration.

Your Committee on Conference finds that existing sex offender registration laws allow out-of-state persons who intend to reside or maintain a residence in Hawaii, visit Hawaii for ten or more days, or visit Hawaii for thirty or more days a year, and who have been or are required to be registered in another state as a sex offender, to avoid registration by establishing that they do not meet the criteria for registration as a covered offender in Hawaii because the out-of-state conviction in their state is not for a covered offense under Hawaii law. Your Committee on Conference 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 a sex offender 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 on Conference amended the measure by:

- (1) Specifying that a denial by the court for relief shall preclude the filing of another petition for termination of registration requirements for five years; and
- (2) Making it effective upon its approval.

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. 1042, 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. 1042, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Rhoads and Riviere. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Matayoshi, Todd and Ward. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 65 on S.B. No. 153

The purpose of this measure is to:

- (1) Prohibit any person whose driver's license has been administratively revoked or who has been convicted for offenses involving operating a vehicle under the influence of an intoxicant from being eligible for a driver's license without providing proof of compliance with the ignition interlock law;
- (2) Require the Director of Transportation to contract with the selected ignition interlock vendor to provide at no cost for the installation and periodic calibration charges to certain offenders who apply for assistance; and
- (3) Require a person who does not own or have the use of a vehicle in which the person can install an ignition interlock device during the revocation period or is otherwise unable to drive during the revocation period to be absolutely prohibited from driving during a period of time equal to twice that of the applicable revocation period.

Your Committee on Conference finds that the ignition interlock program plays a crucial role in preventing an individual from being a repeat offender of driving under the influence of an intoxicant. However, your Committee on Conference has several questions regarding the ignition interlock program and how it can be improved.

Your Committee on Conference notes that resolving these issues through a task force of experts is the best path forward. Your Committee on Conference finds that in 2016, Governor Ige signed Executive Order No. 16-02 that temporarily established the Hawaii Impaired Driving Task Force. The purpose of the task force was to provide a comprehensive strategy for preventing and reducing impaired driving behavior in Hawaii. Because there are lingering questions surrounding the ignition interlock program and impaired driving in general, your Committee on Conference finds it appropriate to make the Hawaii Impaired Driving Task Force a permanent body housed within the Department of Transportation and tasking it with answering the unresolved ignition interlock questions.

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

- (1) Deleting its contents and inserting language that establishes the Hawaii Impaired Driving Council and tasking it with addressing the questions raised by the discussion on this measure; and
- (2) Making it effective upon its approval.

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. 153, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 153, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Rhoads and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Matayoshi, Todd and Ward. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 66 on S.B. No. 1291

The purpose of this measure is to:

- (1) Include autocycles equipped with handlebars in the definition of motorcycle in the Highway Safety Act; and
- (2) Exempt motorcycles and motor scooters with a roll bar or roll cage from the safety helmet requirement.

Your Committee on Conference finds that existing law is unclear whether certain three-wheeled electric vehicles that use handlebar steering in place of a steering wheel are classified as motorcycles or autocycles. As a result, operators of these vehicles must obtain a motorcycle endorsement for operation, even though the vehicles handle very similarly to front wheel drive automobiles. This measure clarifies that vehicles with three wheels and handlebars are included in the definition of motorcycle under the Hawaii highway safety act.

Your Committee on Conference has amended this measure by inserting an effective date of July 1, 2021.

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. 1291, 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. 1291, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Rhoads and Inouye. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none. Representatives Aquino, Johanson, Takumi and Matsumoto. Managers on the part of the House. Ayes, 3. Noes, none. Excused, 1 (Takumi).

Conf. Com. Rep. 67 on S.B. No. 615

The purpose of this measure is to:

- (1) Require all moped and motor scooter rental companies to ensure the rider wears a safety helmet supplied either by the company or the renter, except for riders with a motorcycle license;
- (2) Prohibit the rental of any moped or motor scooter that is not equipped with a flag or any moped or scooter with aftermarket modifications; and
- (3) Amend the definition of "motor scooter" under the Hawaii Highway Safety Act and the Statewide Traffic Code.

Your Committee on Conference finds that from 2016 to 2018, there were twenty-three motor scooter and moped operator fatalities, and of the twenty-three fatalities, twenty-two operators were not wearing helmets. Wearing a helmet while operating a moped, powered scooter, or other motorized cycle decreases fatalities and serious injuries. Your Committee on Conference notes that according to the Hawaii Injury Prevention Plan for 2012-2017, published by the Department of Health and the Emergency Services and Injury Prevention System Branch, properly worn helmets can reduce the risk of death by forty-two percent and the risk of a head injury by sixty-nine percent. This measure will reduce fatal moped or motor scooter accidents by requiring most riders to wear a helmet.

Your Committee on Conference has amended this measure by:

- (1) Clarifying the requirements related to safety flags for rental mopeds or motor scooters;
- (2) Inserting an effective date of July 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 615, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 615, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Baker and Shimabukuro. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Aquino, Kitagawa, Nakashima, Ilagan and Matsumoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 68 on S.B. No. 244

The purpose of this measure is to:

- (1) Expand liability protections for donors to include donations of perishable or nonperishable food, farm produce, and similar donations made to needy persons by charitable, religious, or nonprofit organizations; and
- (2) Authorize the donation of expired food when the good-faith donor or distributor reasonably believes the food is fit for human consumption.

Your Committee on Conference finds that coronavirus disease 2019 (COVID-19) pandemic has severely threatened the health, welfare, and food security of Hawaii residents. The COVID-19 pandemic has further increased the need to expand and clarify existing law to support food donation programs. Despite this high level of food insecurity, Hawaii businesses and residents discard excessive amounts of food waste in the State, which can overload landfills and create harmful greenhouse gases. Therefore, this measure establishes a standard of liability protection for food donations to encourage the donation of food, remove unnecessary barriers, and reduce food insecurity.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 244, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 244, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Keohokalole and Baker. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Kitagawa and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 69 on S.B. No. 348

The purpose of this measure is to:

- (1) Update existing law to require bottled water to meet standards prescribed by the United States Food and Drug Administration regarding product quality standards for bottled water; and
- (2) Repeal the requirement that noncarbonated bottled water be transported, stored, processed, or bottled in or through lines or equipment through which only water is passed.

Your Committee on Conference finds that existing state law expressly prohibits carbonated soft drink, juice, and beer operations from using the same equipment to can noncarbonated bottled water. Hawaii bottled water manufacturers are required to comply with an outdated rule that results in unfair and costly limits for local beverage filling companies that manufacture other products from providing noncarbonated water to consumers in aluminum cans as an alternative to single-use plastic water bottles. Lifting this constraint would allow beverage companies in the State to expand their businesses by putting still water in aluminum cans thereby meeting the growing demand for water in sustainable packaging while continuing to invest in the local economy.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 348, 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. 348, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Baker and Nishihara. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Lowen, Johanson, Cullen and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 70 on S.B. No. 309

The purpose of this measure is to add the intentional creation, disclosure, or threat of disclosure of certain types of realistic deep fake images or videos to the offense of violation of privacy in the first degree, subject to specified exemptions.

Your Committee on Conference finds that one of the recommendations made by the Twenty-First Century Privacy Task Force was that the State protect the privacy of a person's likeness by adopting laws that prohibit the unauthorized use of deep fake technology, which is advancing rapidly and is easily sharable on social media. Your Committee on Conference further finds that deep fake technology enables the creation of synthetic media in which a person in an existing image or video is replaced with the likeness of another person. This measure will protect the privacy of a person's likeness by prohibiting the unauthorized use of deep fake technology.

Your Committee on Conference has amended this measure by:

- (1) Removing the requirement that the image or video of a composite fictitious person be realistic;
- (2) Removing the reasonable person standard for believing that a composite fictitious person is a known person;
- (3) Removing the exemption for images or videos made in connection with a matter of legitimate public concern, a work of political or newsworthy value, or expression protected by the First Amendment of the United States Constitution;
- (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 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. 309, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 309, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Kim and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Nakashima and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 71 on S.B. No. 1034

The purpose of this measure is to:

Authorize boards to use interactive conference technology to remotely conduct meetings under the State's open meetings law;
 and

(2) Amend the requirements for public notices of board meetings and for in-person board meetings held by interactive conference technology.

Your Committee on Conference finds that remote meetings can be a way to protect the health and safety of participants. Your Committee on Conference further finds that remote meetings have increased transparency by allowing more public members to participate in meetings, even if they live far from the physical location of a meeting or on another island.

Your Committee on Conference understands that the requirements of the Americans with Disabilities Act (ADA) apply to meetings held by interactive conference technology, and notes that any locations and technology used for remote meetings will need to be in compliance with the requirements of the ADA.

Your Committee on Conference has amended this measure by:

- Requiring at least one meeting location that is open to the public and has an audiovisual connection for a remote meeting held by interactive conference technology;
- (2) Requiring a quorum of board members participating in a remote meeting held by interactive conference technology to be visible and audible to other members and the public during the meeting;
- (3) Requiring all votes during a remote meeting held by interactive conference technology to be conducted by roll call unless unanimous;
- (4) Changing the duration of the automatic recess of a meeting in case audiovisual communication cannot be maintained to a maximum of thirty minutes;
- (5) Requiring the Office of Information Practices to assess the implementation of meetings held using interactive conference technology and submit a report of its findings to the Legislature;
- (6) Inserting an effective date of January 1, 2022; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1034, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1034, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keohokalole and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Ichiyama, Nakashima, Eli and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 72 on S.B. No. 726

The purpose of this measure is to:

- (1) Require officers serving a warrant to declare the officer's office and business and wait thirty seconds before entry into a house, store, or other building, subject to certain circumstances; and
- (2) Require officers serving a warrant issued by a district court to do so in an authorized uniform and wear and use a body-worn video camera.

Your Committee on Conference finds that, although a general knock-and-announce rule exists, if the police believe in advance of executing a search warrant that the threat of physical violence or the destruction of evidence exists, the police may obtain a "no-knock warrant" to allow the police to enter with force into the building without knocking. These raids have led to injury, death, and substantial collateral damage, and feed into the growing sense of community distrust of police. This measure prohibits no-knock warrants.

Your Committee on Conference has amended this measure by:

- Removing language providing that an officer serving a warrant may enter a house, store, or other building before the thirtysecond wait period has expired under exigent circumstances;
- (2) Providing that the thirty-second wait period commences at the moment the announcement of presence is made by the officer; and
- (3) Making it effective upon its approval.

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. 726, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 726, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, 1 (Fevella). Excused, none.

Representatives Nakashima, Todd and Ward. Managers on the part of the House. Ayes, 2. Noes, 1 (Ward). Excused, none.

Conf. Com. Rep. 73 on S.B. No. 639

The purpose of this measure is to:

- (1) Prohibit courts of appeal from affirming, modifying, reversing, or vacating a matter on grounds other than those raised by the parties to the proceeding, unless the parties are provided the opportunity to brief the court; and
- (2) Require a rehearing if the courts fail to afford the opportunity for parties to submit supplemental briefing upon timely petition by any party.

Your Committee on Conference finds that when a court decides a case on grounds not raised by the parties, it departs from the principle of party presentation and risks abusing its discretion. Your Committee on Conference further finds that on multiple occasions, the Hawaii Supreme Court has reiterated a party's right to discuss and explore its rights, claims, and defenses through a colloquy. This measure will ensure due process during the appeals process and permit parties, rather than the appellate court, to litigate their cases.

Your Committee on Conference has amended this measure by inserting an effective date of September 1, 2021.

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. 639, 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. 639, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keohokalole and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Matayoshi, Todd and Ward. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 74 on S.B. No. 819

The purpose of this measure is to:

- (1) Extend the Hospital Sustainability Program through June 30, 2024;
- (2) Increase the maximum fee for inpatient care services to five and one-half percent;
- (3) Reduce the amount in the hospital sustainability program special fund that may be used by the Department of Human Services for departmental purposes from twelve percent to ten percent;
- (4) Increase the amount of time hospitals have to pay the hospital sustainability fee from thirty days to sixty days;
- (5) Increase the pool of Medicaid services that can be used for matching purposes;
- (6) Require that the aggregate net benefit for private hospitals shall not be less than the aggregate net benefit provided by the Hospital Sustainability Program for fiscal year 2021;
- (7) Define "net benefit" for purposes of the Hospital Sustainability Program; and
- (8) Appropriate an unspecified amount of monies out of the hospital sustainability program special fund for the purposes of the program.

Your Committee on Conference finds that the program has served a critical role in strengthening the health care system in Hawaii. In the nine years since its inception, the Hospital Sustainability Program has helped acute care facilities treat the most vulnerable patients in the State, especially Medicaid recipients who require hospital services. Your Conference on Committee also believes that continuing the Hospital Sustainability Program will ensure that the State's uninsured or underinsured patients continue to receive care in a timely, effective manner.

Your Committee on Conference has amended this measure by:

- (1) Deleting the definition of "net benefit";
- (2) Deleting language that would have increased the pool of Medicaid services that may have been used for matching purposes;
- (3) Deleting language that would have required that the aggregate net benefit for private hospitals shall not be less than the aggregate net benefit provided by the hospital sustainability program for fiscal year 2021;
- (4) Inserting an appropriation of \$100,000,000 out of the hospital sustainability program special fund for fiscal year 2021-2022 for purposes of the program;
- (5) Making it effective on June 29, 2021; provided that certain provisions relating to the extension of the Hospital Sustainability Program and appropriation take effect on July 1, 2021; and

(6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 819, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 819, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators San Buenaventura, Keohokalole and Kidani.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Kidani).

Representatives Yamane, Johanson, Tam, Gates and Ward.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 75 on S.B. No. 793

The purpose of this measure is to repeal existing law that exempts individuals with disabilities from the State's minimum wage requirements. More specifically, this measure:

- (1) Amends the definition of "qualified community rehabilitation program" in the Hawaii Public Procurement Code by:
 - (A) Repealing certain certification requirements; and
 - (B) Requiring that the program maintain a certain disabled-to-non-disabled employee ratio; and
- (2) Repeals the provision in the State's Wage and Hour Law that allows employment of certain individuals, including individuals with disabilities, at sub-minimum wage.

Your Committee on Conference finds that laws that allow payment of sub-minimum wage based on an individual's disability status are based on a provision in the Fair Labor Standards Act that was enacted in 1938 to create a platform to train and prepare individuals with disabilities to gain open-market competitive jobs. Your Committee on Conference further finds that these laws are archaic and no longer serve their original purpose. The employers in the State who currently hold certificates that allow for payment of sub-minimum wage to individuals with disabilities are currently paying them statutory minimum wage, and the only reason the employers obtain the certificates is to meet the definition of "qualified community rehabilitation program" under the Hawaii Public Procurement Code. This measure repeals outdated laws that allow payment of sub-minimum wage to individuals with disabilities and replaces the qualified community rehabilitation program's special certificates requirement with an employee-ratio requirement.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 793, 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. 793, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Acasio, Moriwaki and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Moriwaki).

Representatives Onishi, Sayama and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 76 on H.B. No. 631

The purpose of this measure is to accommodate within the justice system certain traffic violators who are facing financial hardship.

More specifically, this measure:

- (1) Provides courts with greater discretion to adjust the payment of fees or fines for violations of certain traffic offenses based on a person's ability to pay or financial circumstances;
- (2) Amends the ratio of imprisonment term to contumacious nonpayment, from a maximum of one day for each \$25 of a fee or fine, to a maximum of one day for each \$250 of a fee or fine; and
- (3) Increases the amount of credit given to a person committed for contumacious nonpayment, from \$25 per day to \$250 per day.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 631, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 631, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Yamashita, D. Kobayashi and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 77 on H.B. No. 1377

The purpose of this measure is to:

- (1) Establish an Electronic Citation Program under the Judiciary for transmitting traffic, misdemeanor, or other citations and law enforcement data to the clerk of the court through electronic means;
- (2) Establish an Electronic Citation Surcharge of \$5 to be charged to persons who receive certain traffic, misdemeanor, or other citations:
- (3) Establish an Electronic Citation Special Fund to defray expenses related to the establishment and maintenance of the Electronic Citation Program; and
- (4) Appropriate funds to the Judiciary for start-up costs associated with the Electronic Citation Program.

Your Committee on Conference has amended this measure by:

- (1) Providing that the Electronic Citation Surcharge of \$5 will become inoperative on January 1, 2027;
- (2) Clarifying that the monies in the Electronic Citation Special Fund are to be distributed by the Judiciary to the respective law enforcement agencies and the Administrative Director of the Courts, not the clerk of the court;
- (3) Deleting the appropriation to the Judiciary for start-up costs associated with the Electronic Citation Program;
- (4) Changing the effective date to January 1, 2022; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1377, 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. 1377, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Yamashita and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 78 on H.B. No. 1333

The purpose of this measure is to require and appropriate funds for the Hawaii State Energy Office, in consultation with the Department of Health, to conduct a comprehensive study to determine best practices for disposal and recycling of discarded clean energy products in the State.

Your Committee on Conference has amended this measure by:

- (1) Specifying that the Hawaii Natural Energy Institute, rather than the Hawaii State Energy Office, shall conduct a comprehensive study to determine best practices for disposal, recycling, or secondary use of clean energy products in the State:
- (2) Deleting language that would have appropriated funds to conduct the comprehensive study;
- (3) Changing the effective date to July 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1333, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1333, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, English and Misalucha. Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Lowen, Marten and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 79 on H.B. No. 1318

The purpose of this measure is to:

- (1) Establish the Environmental Advisory Council within the Office of Planning to replace the existing Environmental Council;
- (2) Transfer the rights, powers, employees, appropriations, and other personal property from the Office of Environmental Quality Control to the Office of Planning;
- (3) Amend the ability for an applicant to appeal nonacceptance of an environmental impact statement from the Environmental Council to the Environmental Court; and
- (4) Repeal certain provisions relating to the Office of Environmental Quality Control and Environmental Center of the University of Hawaii.

Your Committee on Conference has amended this measure by:

- (1) Deleting provisions that would have required the Environmental Advisory Council to be an adjudged party for hearing appeals relating to the acceptance or nonacceptance of an environmental impact statement;
- (2) Clarifying that the current members of the Environmental Council shall continue to serve for the remainder of their respective terms as initial members of the Environmental Advisory Council;
- (3) Changing the effective date to July 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1318, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1318, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Inouye, Moriwaki, Rhoads and Kanuha.

Managers on the part of the Senate.

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

Representatives Lowen, Luke, Tokioka and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Tokioka).

Conf. Com. Rep. 80 on H.B. No. 1022

The purpose of this measure is to:

- (1) Clarify that any conservation and resources enforcement officer of the Department of Land and Natural Resources may, in the performance of their official duties, stop and temporarily detain any person who the officer reasonably believes is, or recently has been engaged in, hunting or fishing for a natural resource for the purposes of the officer conducting a limited inspection;
- (2) Establish administrative penalties for refusing to comply with an inspection request, under certain conditions.

Your Committee on Conference has amended this measure by:

- (1) Clarifying provisions to prohibit roaming administrative inspections of any member of the public's vehicle beyond a reasonable distance and clarifying the circumstances under which those inspections are allowed;
- (2) Deleting language that would have provided that items, natural resources, or other evidence obtained through an administrative inspection without probable cause may by used to pursue any civil and administrative penalties that are authorized by law;
- (3) Deleting provisions that specified that the administrative fines shall not apply to persons engaged in the proper and lawful exercise of traditional and customary Native Hawaiian rights for subsistence, religious, or cultural purposes;
- (4) Changing the effective date to upon its approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1022, 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. 1022, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Kanuha, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, 1 (Fevella). Excused, 1 (Rhoads).

Representatives Lowen, Nakashima, Marten and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Nakashima).

Conf. Com. Rep. 81 on S.B. No. 1100

The purpose of this measure is to enact the National Association of Insurance Commissioners' Insurance Data Security Model Law to establish insurance data security standards for Hawaii insurance licensees.

Your Committee on Conference finds that there have been several major data breaches involving large insurers that exposed and compromised the sensitive personal information of millions of insurance consumers. The National Association of Insurance Commissioners adopted the Insurance Data Security Model Law in 2017 to strengthen existing data privacy standards and consumer breach notification obligations of insurance licensees. If states do not adopt provisions of this model law by 2022, they risk federal preemption of state laws in this area. Accordingly, this measure adopts the National Association of Insurance Commissioners' Insurance Data Security Model Law to establish insurance data security standards and ensure data security protections for Hawaii insurance licensees.

Your Committee on Conference has amended this measure by:

- (1) Inserting a definition for the term "commissioner" to mean the Insurance Commissioner of the State;
- (2) Reverting to certain provisions of the S.D. 1 version of this measure to clarify that:
 - (A) The licensee's regulator, rather than the licensee's domiciliary regulator, shall have the power to examine and investigate the affairs of any licensee to determine whether the licensee has been or is engaged in certain conduct; and
 - (B) Each insurer, rather than each licensee, domiciled in the State shall submit annual certifications to the Insurance Commissioner;
- (3) Updating the purpose section; and
- (4) Inserting an effective date of July 1, 2021.

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. 1100, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1100, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Riviere.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Matayoshi, Nishimoto and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Matayoshi).

Conf. Com. Rep. 82 on S.B. No. 1098

The purpose of this measure is to adopt certain provisions of the National Association of Insurance Commissioners' Producer Licensing Model Act, Public Adjuster Licensing Model Act, Reinsurance Intermediary Model Act, and Independent Adjuster Licensing Model Guidelines to provide consistency and promote efficiency in processing insurance licensing fees, applications, certificates, registrations, and renewals.

Your Committee on Conference finds that existing state law does not list all of the licenses, registrations, and fees issued by the Insurance Division of the Department of Commerce and Consumer Affairs, which can create confusion. This measure consolidates those licenses, registrations, and fees under Article 7 of the Insurance Code to increase clarity and transparency. Your Committee on Conference further finds that this measure facilitates the Insurance Division's transition to the electronic processing of insurance licensing fees, certificates, registrations, and renewals to make the process more efficient and accurate and conforms certain penalties to model acts.

Your Committee on Conference has amended this measure by inserting an effective date of January 1, 2022.

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. 1098, 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. 1098, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Misalucha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Nishimoto and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 83 on S.B. No. 1103

The purpose 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 on Conference finds that the accounting profession's standards of review can change frequently. As a result of these changes, the duties of the Board of Public Accountancy's Peer Review Oversight Committee are expected to increase

substantially. Your Committee on Conference further finds that it is necessary for the Board to have flexibility and discretion in selecting members who have the ability and aptitude to serve on the Peer Review Oversight Committee. This measure accomplishes these objectives.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 1103, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1103, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Misalucha. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Nishimoto and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 84 on S.B. No. 1102

The purpose of this measure is to allow promoters of mixed martial arts events to compensate contestants and their managers in cash.

Your Committee on Conference finds that existing law requires that promoters of mixed martial arts events pay contestants or their managers by check. However, many events undergo last minute changes to the fight card for various reasons. For example, a contestant could fail to make weight, which occurs the day before a contest, or could be injured. When a change occurs at the last minute, promoters often have insufficient time to go to a financial institution to obtain a new cashier's check or certified check, as most events take place on Saturdays when financial institutions are normally closed. This measure provides promoters with the necessary flexibility to compensate contestants and their managers in a timely manner and better mirrors the realities of the event process.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 1102, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1102, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Riviere. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Nishimoto and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 85 on S.B. No. 1096

The purpose of this measure is to make necessary amendments to the Insurance Code to:

- Institute various consumer protections with regard to public adjusters, including requiring contractual terms and disclosures and granting a right to rescind;
- (2) Impose a standard of conduct on various entities;
- (3) Authorize the Insurance Commissioner to waive or modify certain fees by order;
- (4) Reinstate the right to an administrative hearing and appeal from an order;
- (5) Amend the composition of the Hawaii Joint Underwriting Plan Board of Governors;
- (6) Correct references to the electronic payment platform developed by the National Association of Insurance Commissioners to facilitate insurers' electronic payment of premium taxes;
- (7) Mandate electronic filing of insurers' surplus lines reports and payment of surplus lines premium taxes to reduce processing errors and delays;
- (8) Change the specified dates for extensions of certificates for risk retention groups to maintain consistency with other certificates issued by the Insurance Division of the Department of Commerce and Consumer Affairs;
- (9) Lower the minimum nonforfeiture interest rate; and
- (10) Clarify that rewards under wellness programs do not qualify as prohibited rebates.

Your Committee on Conference finds that a number of administrative amendments to Hawaii's insurance code are necessary to provide clarity, enhance consumer protections, and improve the administration and enforcement of regulated entities. Your Conference on Committee further finds that this measure will accomplish these objectives.

- (1) Reverting to the existing statutory language for the definition of the term "complaint" to apply to the entirety of section 431:13-103, Hawaii Revised Statutes, rather than only paragraph (12) of subsection (a); and
- (2) Making it effective upon its approval.

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. 1096, 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. 1096, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang, Riviere and Fevella. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives Johanson, Nishimoto and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 86 on S.B. No. 320

The purpose of this measure is to:

- Require each tax return preparer to have a valid Preparer Tax Identification Number issued by the Internal Revenue Service
 and to furnish the Preparer's Tax Identification Number on any return or claim for refund prepared for compensation if
 required by the Department of Taxation;
- (2) Establish penalties for failure to comply with the Preparer Tax Identification Number requirements;
- (3) Beginning in calendar year 2022, establish continuing education requirements for tax return preparers;
- (4) Require the Board of Public Accountancy to adopt rules regarding continuing education, including compliance procedures and penalties for violations; and
- (5) Provide that tax return preparers shall not be liable for penalties prior to January 1, 2022.

Your Committee on Conference finds that many tax preparers in the State operate with little oversight or accountability. Your Committee on Conference further finds that requiring all tax return preparers to have a Preparer Tax Identification Number issued by the Internal Revenue Service to prepare a claim for refund or return for compensation will help taxpayers and the Department of Taxation ensure that tax return preparers are held accountable for the returns they prepare. This measure will provide greater consumer protection resources and promote accurate tax administration.

Your Committee on Conference has amended this measure by:

- Deleting language that would have established continuing education requirements for tax return preparers and language that
 would have required the Board of Public Accountancy to adopt continuing education courses for tax return preparers;
- (2) Deleting language that would have exempted tax return preparers from penalties prior to January 1, 2022, in light of the change to the effective date;
- (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 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. 320, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 320, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Kim and Moriwaki. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Nishimoto and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 87 on S.B. No. 589

The purpose of this measure is to:

- (1) Establish the University of Hawaii Cancer Center in statute as the Cancer Research Center of Hawaii;
- (2) Require the Director of the Cancer Research Center of Hawaii to be appointed by the Board of Regents of the University of Hawaii upon recommendation from the Provost of the University of Hawaii at Manoa and with the concurrence of the President of the University of Hawaii;
- (3) Require the Director of the Cancer Research Center of Hawaii and Dean of the University of Hawaii John A. Burns School of Medicine to report to the Provost of the University of Hawaii at Manoa and coordinate with the President of the University of Hawaii:

- (4) Require funds expended or originating from the University of Hawaii Tuition and Fees Special Fund for the University of Hawaii John A. Burns School of Medicine or the Cancer Research Center of Hawaii to be used for educational purposes only;
- (5) Require funds expended or originating from the Research and Training Revolving Fund for the University of Hawaii John A. Burns School of Medicine or the Cancer Research Center of Hawaii to be used for research and research-related purposes only;
- (6) Allow the University of Hawaii to continue its contribution to research commercialization and economic development by repealing the sunset provision in Act 38, Session Laws of Hawaii 2017 (Act 38);
- (7) Make the University of Hawaii's Innovation and Commercialization Initiative Program permanent by repealing the sunset provision in Act 39, Session Laws of Hawaii 2017 (Act 39);
- (8) Make permanent the authority of the President of the University of Hawaii to act as its chief procurement officer for all procurement contracts under chapter 103D, Hawaii Revised Statutes, by repealing the sunset provision in Act 42, Session Laws of Hawaii 2018 (Act 42); and
- (9) Further efforts to ensure the efficient and effective management of public resources provided to the University of Hawaii John A. Burns School of Medicine and the Cancer Research Center of Hawaii to optimize public benefits.

Your Committee on Conference notes that the University of Hawaii had been proposing the consolidation of the University of Hawaii Cancer Center and University of Hawaii John A. Burns School of Medicine through various business plans, reports, and consultant recommendations since 2014, in order to eliminate operational redundancies and enhance the efficiency and effectiveness of both units. Your Committee on Conference also notes that the University of Hawaii frequently groups different organized research units within a larger administrative structure. For example, the School of Ocean and Earth Science and Technology encompasses several outstanding research units, including the Center for Microbial Oceanography: Research and Education. Furthermore, several other universities with outstanding medical schools have their cancer research programs integrated closely therewith. For example, the Siteman Cancer Center, a comprehensive cancer center that holds an "exceptional" rating from the National Cancer Institute, is a part of the Washington University School of Medicine in St. Louis. The MD Anderson Cancer Center is also a comprehensive cancer center that operates in close affiliation with the McGovern Medical School at the University of Texas Health Science Center. As such, to ensure the efficient and effective management of public resources provided to the Cancer Research Center of Hawaii and University of Hawaii John A. Burns School of Medicine, your Committee on Conference finds it necessary to administratively affiliate the two entities and have their administrative services and infrastructure teams be merged.

Your Committee on Conference further finds it important for the State to continue its support of the University of Hawaii's technology transfer activities pursuant to Act 38 and activities under its Innovation and Commercialization Initiative Program pursuant to Act 39. Your Committee on Conference also finds that these activities must be transparent, and the University of Hawaii must be held accountable therefor. Your Committee on Conference also finds it prudent for the Legislature to continue monitoring the University of Hawaii's activities pursuant to Act 38, Act 39, and Act 42.

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

- (1) Inserting language requiring the Cancer Research Center of Hawaii and the University of Hawaii John A. Burns School of Medicine to be administratively affiliated;
- (2) Inserting language to promote the accountability and transparency of the University of Hawaii's technology transfer activities pursuant to Act 38 and activities under its Innovation and Commercialization Initiative Program pursuant to Act 39;
- (3) Extending the repeal date of Act 38 for two years until June 30, 2024;
- (4) Extending the repeal date of Act 39 for three years until June 30, 2024;
- (5) Extending the repeal date of Act 42 for three years until June 30, 2024;
- (6) Making it effective upon its approval; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 589, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 589, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Moriwaki and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Takayama, Tam, DeCoite and Okimoto.

Managers on the part of the House.

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

Conf. Com. Rep. 88 on S.B. No. 60

The purpose of this measure is to authorize the issuance of special number license plates to commemorate the Polynesian Voyaging Society.

Your Committee on Conference finds that the issuance of special number plates commemorating the Polynesian Voyaging Society is an effective way to support the Polynesian Voyaging Society's efforts to perpetuate the art and science of traditional Polynesian voyaging and the spirit of exploration.

Your Committee on Conference has amended this measure by inserting an effective date of July 1, 2021.

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. 60, 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. 60, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Inouye and Shimabukuro. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Gates, B. Kobayashi and Ward. Managers on the part of the House. Ayes, 2. Noes, none. Excused, 1 (Ward).

Conf. Com. Rep. 89 on S.B. No. 57

The purpose 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;
- (2) Temporarily repeal the requirement for reconstructed vehicles to obtain a special inspection and certification; and
- (3) Require the Department of Transportation to report to the Legislature on the effects of the repeal.

Your Committee on Conference finds that vehicle inspectors serve the important function of ensuring the safety of vehicles on Hawaii's roads. This measure codifies the process by which vehicle inspectors obtain and renew their certification and the penalties for improper inspections.

Your Committee on Conference further finds that the reconstructed vehicle inspection program no longer serves its intended purposes. The purpose of the reconstructed vehicle inspection program is to ensure that modifications to motor vehicles do not result in a significant degradation of highway safety. However, available crash data does not indicate that reconstructed vehicles are more dangerous than other vehicles. As this program is restricted to Oahu and there is no data to support the conclusion that it is effective, this measure temporarily repeals the requirement that reconstructed vehicles be inspected and receive a permit before operating on public highways and requires the Department of Transportation to report back to the Legislature on the effects of the repeal.

Your Committee on Conference has amended this measure by:

- (1) Making the repeal of the reconstructed vehicle inspection program effective from January 1, 2022 to July 31, 2025;
- (2) Inserting an effective date of July 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 57, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 57, S.D. 2, H.D. 3, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Baker, English, Shimabukuro and Fevella.

Managers on the part of the Senate. Ayes, 5. Noes, none. Excused, none.

Representatives Aquino, Johanson, Cullen, Ilagan and Matsumoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 90 on S.B. No. 1039

The purpose of this measure is to appropriate funds for the payment of claims against the State, its officers, or its employees.

Your Committee on Conference finds that the timely passage of this measure will minimize the State's obligation to pay interest on those amounts

- (1) Providing that the claims against the Agribusiness Development Corporation, Aloha Stadium Authority, Department of the Attorney General, Department of Education, Department of Hawaiian Home Lands, Department of Health, Department of Land and Natural Resources, Department of Public Safety, and Hawaii State Public Charter School Commission shall be paid from general funds;
- (2) Increasing the total general fund appropriation from \$1,263,213.02 to \$1,330,163.78 to settle three additional miscellaneous claims totaling \$66,950.76;

- (3) Making it effective upon its approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1039, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1039, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

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

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

Conf. Com. Rep. 91 on S.B. No. 538

The purpose 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 on Conference finds that when Act 387, Session Laws of Hawaii 1989, was enacted and codified as section 368-1.5, Hawaii Revised Statutes, it was meant to be the state counterpart to section 504 of the federal Rehabilitation Act of 1973, as amended, to provide a state remedy for disability discrimination and an alternative in situations in which federal remedies are also available. Your Committee on Conference further finds that the intent of section 368-1.5, Hawaii Revised Statutes, was originally, and is now, to give the Hawaii Civil Rights Commission jurisdiction over disability discrimination claims, even if protections under section 504 of the Rehabilitation Act, as amended, are available.

Your Committee on Conference has amended this measure by changing the effective date to July 1, 2022.

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. 538, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 538, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators San Buenaventura, Rhoads and Acasio.

Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Onishi, Nakashima, Sayama and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Okimoto).

Conf. Com. Rep. 92 on S.B. No. 386

The purpose of this measure is to require:

- (1) A family court to make findings, after a hearing and in writing, before a minor can be transferred to an adult jail or lockup or be permitted sight or sound contact with adult offenders, subject to certain circumstances; and
- (2) The circuit court to commit all convicted offenders under eighteen to Hawaii youth correctional facilities in cases where the court deems the sentence more suitable.

Your Committee on Conference finds that when a youth is transferred to the adult criminal justice system, the lifelong consequences of placement in the criminal justice system has a profoundly negative effect on both the youth and our community. Your Committee on Conference further finds that full brain development and maturity is proven to extend beyond teen years, and studies have shown that young adults reach full maturity past the age of twenty-five years. Due to these developmental facts, your Committee on Conference additionally finds that adult facilities do not provide the developmentally appropriate rehabilitative services youth require.

Your Committee on Conference has amended this measure by changing the effective date to upon its approval.

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. 386, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 386, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators San Buenaventura, Rhoads and Acasio.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Ohno, Matayoshi, Tam, Ganaden and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 2 (Ohno, Ward).

Conf. Com. Rep. 93 on S.B. No. 225

The purpose of this measure is to:

- (1) Allow the cost of regional infrastructure improvements undertaken by the Hawaii Housing Finance and Development Corporation to be assessed against transit-oriented development projects that specially benefit from the improvements; and
- (2) Require the Hawaii Interagency Council for Transit-Oriented Development to review and make recommendations on applications for dwelling unit revolving fund subaccount funds for infrastructure projects related to transit-oriented development.

Your Committee on Conference finds that the cost of off-site infrastructure is a major barrier to the achievement of transit-oriented development potential statewide. Your Committee on Conference believes that this measure will help to facilitate state investment in needed transit-oriented development infrastructure by allowing the Hawaii Housing Finance and Development Corporation to recover costs to help offset the significant costs of regional infrastructure.

Your Committee on Conference has amended this measure by:

- Clarifying that the Hawaii Housing Finance and Development Corporation shall consider previous contributions by project owners to infrastructure improvements when assessing costs against transit-oriented development projects;
- (2) Exempting the stadium development district from assessments made under this measure;
- (3) Changing the effective date to upon its approval; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

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. 225, 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. 225, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Keith-Agaran and Misalucha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakamura, Aquino, Tarnas, Sayama, Hashimoto and McDermott.

Managers on the part of the House.

Ayes, 6. Noes, none. Excused, none.

Conf. Com. Rep. 94 on S.B. No. 159

The purpose of this measure is to:

- (1) Make an application for voter registration part of the state identification card or driver's license application process;
- (2) Require applicants to choose to be registered to vote or make changes to the applicant's voter registration information as part of the application for a state identification card or driver's license; and
- (3) Require the sharing of certain information among the counties, Department of Transportation, election personnel, and online voter registration system.

Your Committee on Conference finds that increased voter engagement and participation is beneficial to the civic health of the State, and that increased voter registration is a vital step in this process. Your Committee on Conference further finds that the electronic sharing of data will help ensure the accuracy of voter-registration polls and compliance with the National Voter Registration Act of 1993 and Help America Vote Act of 2002.

Your Committee on Conference has amended this measure by:

- Providing for an applicant for a driver's license or identification card to have automatically updated any changes to their name and address for voter registration purposes unless the applicant declines;
- (2) Inserting an effective date of July 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 159, 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. 159, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Cullen and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 95 on S.B. No. 630

The purpose of this measure is to establish that every judgment for child support is enforceable until paid in full.

Your Committee on Conference finds that the costs associated with raising a child are extensive and persist for many years.

Your Committee on Conference further finds that, under existing law, child support judgments are considered paid and discharged when the child turns thirty-three years old or when the latest period provided in section 657-5, Hawaii Revised Statutes, expires, whichever is later. This measure will require that child support be paid in full to be considered discharged.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 630, 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. 630, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Kim and Fevella.

Managers on the part of the Senate.

Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Representatives Nakashima, Eli, LoPresti and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 96 on S.B. No. 828

The purpose of this measure is to:

- (1) Grant exclusive original jurisdiction in matters of divorce to the family court of the circuit in which an applicant is domiciled at the time the application is filed; 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 applying for a divorce.

Your Committee on Conference finds that existing law often places unnecessary burdens on persons seeking divorce. This measure clarifies the jurisdiction of the family court and enables individuals to complete a divorce in the State even if they are unable to be physically present in the State for a continuous period of time before filing.

Your Committee on Conference has amended this measure by inserting an effective date of January 1, 2022.

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. 828, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 828, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Acasio and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Ichiyama, Cullen, Takumi and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Takumi).

Conf. Com. Rep. 97 on S.B. No. 697

The purpose of this measure is to designate January of each year as "Kalaupapa Month".

Your Committee on Conference finds that in 1865, the Kingdom of Hawaii passed "An Act to Prevent the Spread of Leprosy" and, over time, forcibly removed an estimated eight thousand individuals suspected of having leprosy to a colony established on eight hundred acres of land on the Kalaupapa peninsula of Moloka'i. Your Committee on Conference further finds that many important events in the history of Kalaupapa occurred in January. This measure recognizes the contributions and sacrifices of the residents of Kalaupapa by establishing January of each year as "Kalaupapa Month".

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 697, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 697, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keohokalole and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Gates, Matayoshi, B. Kobayashi, Tokioka and Ward.

Managers on the part of the House.

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

Conf. Com. Rep. 98 on S.B. No. 791

The purpose and intent of this measure is to amend provisions regarding the designation, impoundment, and disposal of unauthorized, abandoned, grounded, and derelict vessels on state property or in the waters of the State to more quickly address these vessels and relevant proceedings.

Your Committee on Conference finds that existing law requires the Department of Land and Natural Resources (DLNR) to provide a seventy-two-hour notice of intent to impound an unauthorized, abandoned, grounded, or derelict vessel before being able to take control of the vessel. However, in some instances, the condition of the vessel rapidly deteriorates, requiring additional labor, increased risks to health and public safety, and additional costs to remove and impound the vessel. This measure shortens the time-period for the DLNR to respond and remove abandoned vessels to help protect reefs and maintain ocean health.

Your Committee has amended this measure by making it effective upon its approval.

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. 791, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 791, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Moriwaki, Lee and Riviere.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Tarnas, Matayoshi, Branco, D. Kobayashi and McDermott.

Managers on the part of the House.

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

Conf. Com. Rep. 99 on S.B. No. 1162

The purpose of this measure is to update the Forest Stewardship Program (Program) administered by the Board of Land and Natural Resources by:

- (1) Clarifying the purpose of the Program;
- Expanding the areas of approved management activities and practices that are eligible for cost-share assistance under the Program;
- (3) Increasing the limit for payments from the Forest Stewardship Fund (Fund) for development of approved management plans and allowing payments from the Fund for implementation of approved management plans; and
- (4) Amending requirements for applicants to receive Program funds.

Your Committee on Conference finds that over sixty percent of Hawaii's forested areas are privately owned and managed. The Program provides technical and financial assistance to private landowners in protecting, restoring, and managing Hawaii's forested lands, which in turn helps protect watersheds, forest resources, forest products, fish and wildlife habitats, rare and endangered plants, and native vegetation. This measure modifies the Program's qualification requirements to increase eligibility for private forest managers, increases funds available for the management of private forests, and provides protections for native vegetation.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 1162, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1162, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, English and Keith-Agaran.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Keith-Agaran).

Representatives Tarnas, Lowen, Branco, Kong and McDermott.

Managers on the part of the House.

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

Conf. Com. Rep. 100 on S.B. No. 932

The purpose of this measure is to:

- (1) Establish and appropriate funds out of the clean energy and energy efficiency revolving loan fund to provide financial assistance for investments in a broad range of clean energy technologies;
- (2) Authorize monies in the Hawaii green infrastructure special fund to be used to finance the option to purchase solar energy systems and other clean energy equipment, including the purchase or lease of electric vehicles and installation of electric vehicle charging systems; and

(3) Repeal the building energy efficiency revolving loan fund.

Your Committee on Conference finds that significant investment in clean energy technology and infrastructure is necessary to achieve the State's goals of energy self-sufficiency, energy security, and energy diversification. However, the unavailability of flexible financing and low-cost capital are significant barriers to clean energy adoption. Your Committee on Conference believes that this measure will provide the Hawaii green infrastructure authority with a variety of financing options to support investment in and implementation of clean energy technology and infrastructure in the State.

Your Committee on Conference has amended this measure by:

- Clarifying that the Hawaii green infrastructure's existing loan fund is capitalized by the issuance of the green energy market securitization bonds to distinguish it from the clean energy and energy efficiency revolving fund established by this measure, which is capitalized with federal and other funding sources;
- (2) Inserting an appropriation in the amount of \$50,000,000 out of the clean energy and energy efficiency revolving loan fund for the purposes of this measure;
- (3) Changing the effective date to July 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 932, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 932, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Rhoads, Kidani, Misalucha and Fevella.

Managers on the part of the Senate.

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

Representatives Lowen, Johanson, Marten and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 101 on S.B. No. 936

The purpose of this measure is to require:

- (1) The Department of Health to disseminate information regarding seizure first aid to employers, employees, and the general public:
- (2) Employers to post information on seizure first aid provided by the Department of Health in a prominent position in the employer's workplace; and
- (3) The Department of Health to adopt rules to implement this measure.

Your Committee on Conference finds that one in ten persons may experience a seizure at some point in their lifetime. Since a seizure can happen to any person, in any place, at any time, your Committee on Conference finds it imperative that members of the public are prepared to respond appropriately and effectively to a person experiencing a seizure. This measure ensures that information on rendering seizure first aid is provided to employers, employees, and the general public.

Your Committee on Conference notes the concerns raised by the Department of Health with regard to the implementation of this

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

- (1) Making discretionary, rather than mandatory, the dissemination of information on seizure first aid by the Department of Health:
- (2) Making discretionary, rather than mandatory, the employers' dissemination of information on seizure first aid provided by the Department of Health;
- (3) Deleting the requirement that the Department of Health adopt rules to implement this measure;
- (4) Inserting an effective date of July 1, 2021, and a repeal date of June 30, 2026; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 936, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 936, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Rhoads and Keohokalole.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Onishi, Johanson, Sayama, Kong and Okimoto.

Managers on the part of the House.

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

Conf. Com. Rep. 102 on S.B. No. 772

The purpose of this measure is to:

- (1) Authorize the issuance of special number license plates to benefit forest and ocean conservation; and
- (2) Increase the initial application and renewal fees for special number license plates from \$25 to an unspecified amount.

Your Committee on Conference finds that Hawaii's forests, beaches, and nearshore waters are culturally and naturally unique and vital to maintaining the health and well-being of Hawaii's residents. Providing dedicated funding sources for conservation through the issuance of special number license plates will help to ensure that Hawaii's forests, beaches, and nearshore waters are adequately managed and maintained. Your Committee on Conference notes that the islands of Hawaii are home to many unique ecosystems beyond just beaches and forests and find it appropriate to dedicate funding from the issuance of special number plates to environmental conservation generally instead of specifically to forest and ocean conservation.

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

- (1) Replacing "forest conservation" and "ocean conservation" with "environmental conservation" throughout the measure;
- (2) Specifying that the special number plate design shall be visually attractive and highlight Hawaii's environment, native species, or both:
- (3) Providing that the fundraising fee is to be set by the Department of Land and Natural Resources;
- (4) Depositing fees from the issuance of the special number plates into the conservation and resources enforcement special fund, rather than the beach restoration special fund and the forest stewardship special fund;
- (5) Setting the initial application and subsequent annual renewal fees for special number plates at \$60, beginning January 1, 2022;
- (6) Making it effective upon its approval; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 772, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 772, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Inouye and Kanuha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Branco, Ganaden and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 103 on S.B. No. 384

The purpose of this measure is to clarify that:

- (1) Filing fees for tax appeals are nonrefundable; and
- (2) No deposits are required for tax appeals.

Your Committee on Conference finds that this measure is a housekeeping measure, which amends certain sections of Hawaii Revised Statutes to align with the intent of Act 152, Session Laws of Hawaii 1997, by adopting existing rules regarding court filing fees

Your Committee on Conference has amended this measure by making it effective on January 1, 2022.

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. 384, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 384, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keith-Agaran, English and Taniguchi.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (English).

Representatives Matayoshi, Marten, D. Kobayashi and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 104 on S.B. No. 1202

The purpose of this measure is to make various technical amendments to the fuel tax law, liquor tax law, and cigarette tax and tobacco tax law under the jurisdiction of the Department of Taxation.

Your Committee on Conference recognizes the Department of Taxation recently completed a review of the Hawaii Revised Statutes chapters that are being amended by this measure. Your Committee on Conference believes that this measure will clarify certain state tax laws and allow for more effective administration of those laws.

Your Committee on Conference has amended this measure by:

- Clarifying that statements filed concerning the number of gallons of fuel refined, manufactured, compounded, imported, sold
 or used by the distributor or person are public records;
- (2) Changing the effective date to July 1, 2021; and
- (3) Making technical, nonsubstantive changes for the purposes of clarity and consistency.

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. 1202, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1202, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keith-Agaran, English and Taniguchi.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (English).

Representatives Quinlan, Johanson, Holt, Kong and Okimoto.

Managers on the part of the House.

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

Conf. Com. Rep. 105 on S.B. No. 1203

The purpose of this measure is to make nonsubstantive changes to Title 14, Hawaii Revised Statutes, for clarity and to delete obsolete provisions.

Your Committee on Conference finds that it is necessary to amend and repeal various provisions of the Hawaii Revised Statutes for the purposes of correcting errors and references, clarifying language, or deleting obsolete or unnecessary provisions. This measure adds clarity to the law and allows for more effective administration.

Your Committee on Conference 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 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. 1203, 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. 1203, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keith-Agaran, English and Kanuha.

Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Ouinlan, Holt and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 106 on S.B. No. 400

The purpose of this measure is to clarify that increased fines may apply if a candidate committee or noncandidate committee fails to timely file the preliminary primary or preliminary general report due in an unspecified number of calendar days before a primary or general election.

Your Committee on Conference finds that the Campaign Spending Commission requires candidate and noncandidate committees to file a series of reports prior to an election and the language establishing these reporting requirements is periodically in need of clarifying updates as the requirements are refined and amended. This measure will improve transparency and accountability in the election system by incentivizing, through the potential for increased fines, the timely filing of reports by candidate committees and noncandidate committees to the Campaign Spending Commission.

Your Committee on Conference has amended this measure by:

- (1) Specifying that preliminary primary and preliminary general reports are due ten calendar days before a primary or general election; and
- (2) Making it effective upon its approval.

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. 400, 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. 400, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Matayoshi, Wildberger, Todd and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, 1 (Ward).

Conf. Com. Rep. 107 on S.B. No. 402

The purpose of this measure is to:

- (1) Provide that expenditures by candidate committees may be made to reimburse other individuals for expenditures advanced by those individuals, in addition to those advanced by the candidate; and
- (2) Delete candidate reimbursements from the category of expenditures that noncandidate committees must itemize in their reports, since noncandidate committees are not allowed to receive or make loans under existing law.

Your Committee on Conference finds that under existing law, only candidate reimbursements need to be itemized in reports made to the Campaign Spending Commission. Your Committee on Conference further finds that in many instances, individuals other than the candidate are also being reimbursed for campaign costs advanced by the individuals. This measure requires that reimbursements made to other individuals be itemized as well, which will provide more transparency in how candidate committees are spending their funds.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 402, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 402, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Acasio and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Nakashima, Wildberger and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 108 on S.B. No. 405

The purpose 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 of the end of the election period; and
- (2) Allow the candidate, candidate committee, or noncandidate committee to choose which excess contributions by nonresident contributors to return.

Your Committee on Conference finds that the Hawaii Election Campaign Fund was established to be used for partial public financing of campaigns of the State and its political subdivisions, but that demand for financing often outstrips available resources. Providing that excess contributions by nonresident contributors shall escheat to the fund if not returned to the contributor within thirty days compliments existing law and will help ensure adequate funding for the partial public financing program. This measure will provide an additional source of income for the Hawaii Election Campaign Fund and allow candidates to more readily use available public financing through the Fund.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 405, 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. 405, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keohokalole and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Matayoshi, Wildberger, Takumi and Ward.

Managers on the part of the House.

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

Conf. Com. Rep. 109 on S.B. No. 1402

The purpose of this measure is to require the Department of Transportation to create motor vehicle, bicycle, and pedestrian highway and pathway networks throughout each island.

Your Committee on Conference finds that Hawaii's ground transportation system has historically been built as a car-centric system with little attention given to alternative forms of transportation. This has raised the cost of living, impacted quality of life, and resulted in some of the highest transportation-related fatality rates in the nation, especially in some of the lower-income communities in the State. Simply adding lanes to reduce traffic does not address Hawaii's most pressing concerns regarding traffic, safety, and health. The establishment of separate motor vehicle, bicycle, and pedestrian highway and pathway networks throughout the State is an

effective way to decrease the public's reliance on personal motor vehicles, reduce the cost of transportation, and improve public health. Accordingly, this measure will modernize Hawaii's ground transportation infrastructure by providing additional metrics, considerations, and assistance to the Department of Transportation in order to reduce transportation costs, minimize traffic injuries and fatalities, improve public health and quality of life, and address greenhouse gas emissions.

Your Committee on Conference has amended this measure by inserting an effective date of July 1, 2021.

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. 1402, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1402, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Moriwaki and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Aquino, Ilagan, Hashimoto and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 110 on H.B. No. 553

The purpose of this measure is to protect sharks while not criminalizing the accidental capture and release of sharks that may be captured while fishing for other species as allowed by statute or rule by:

- Establishing an offense of intentionally or knowingly capturing, entangling, or killing a shark in state marine waters and providing for criminal and civil penalties and administrative fines, fees, and costs;
- (2) Providing for certain exemptions to the offense of intentionally or knowingly capturing, entangling, or killing a shark in state marine waters; and
- (3) Allowing the Department of Land and Natural Resources to adopt rules to, at minimum:
 - (A) Ensure that the incidental capture and release of sharks while targeting other species is not a violation;
 - (B) Prevent the wanton waste of sharks; and
 - (C) Limit gear, such as gill nets, in areas identified as shark nursery habitats.

Your Committee on Conference has amended this measure by:

- Exempting a person who captures or kills a shark pursuant to a permit issued by the Department of Land and Natural Resources from the criminal and civil penalties and administrative fines, fees, and costs established;
- (2) Authorizing the Department of Land and Natural Resources to issue a non-commercial permit for the take of sharks, subject to permit conditions that include Native Hawaiian cultural protocol, size and species restrictions, and a prohibition on species designated as endangered or threatened; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 553, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 553, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Inouye, Rhoads and English.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (English).

Representatives Tarnas, Lowen, Cullen and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 111 on H.B. No. 1019

The purpose of this measure is to conserve, restore, and enhance Hawaii's marine resources by:

- (1) Temporarily establishing the Ocean Stewardship Special Fund; and
- (2) Establishing the Ocean Stewardship User Fee, to be collected beginning on January 1, 2024.

Your Committee on Conference has amended this measure by:

- (1) Changing the sunset date of the Ocean Stewardship Special Fund from June 30, 2030, to January 1, 2029; and
- (2) Changing its effective date to upon its approval.

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. 1019, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1019, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Kanuha and Misalucha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Branco and McDermott.

Managers on the part of the House.

Ayes, 2. Noes, 1 (McDermott). Excused, none.

Conf. Com. Rep. 112 on H.B. No. 834

The purpose of this measure is to require the Department of Land and Natural Resources, in collaboration with the County of Hawaii, to conduct site surveys on the island of Hawaii to identify the most suitable locations for new black cinder cone quarries.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$150,000 for fiscal year 2021-2022;
- (2) Changing the source of funding to the funds received by the State of Hawaii from the American Rescue Plan Act of 2021, Public Law 117-2 (Section 9901); and
- (3) Changing its effective date to July 1, 2021.

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. 834, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 834, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Kanuha and Misalucha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Branco and McDermott.

Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 113 on H.B. No. 1276

The purpose of this measure is to:

- (1) Grant the Board of Land and Natural Resources greater flexibility by authorizing it to adopt, amend, and repeal administrative fee schedules for all user fees, including camping, lodging, parking, group use, and special use activities, through formal board action at a publicly noticed meeting rather than through administrative rulemaking; and
- (2) Appropriate funds for administration of the State Parks Program.

Your Committee on Conference has amended this measure by:

- (1) Removing the appropriation section;
- (2) Changing its effective date to upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1276, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1276, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Moriwaki and Misalucha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Nakamura, Branco and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 114 on H.B. No. 863

The purpose of this measure is to authorize the issuance of general obligation bonds for the forest stewardship program to build and expand the facilities of state tree nurseries.

- (1) Inserting an appropriation amount of \$750,000 for fiscal year 2021-2022 only;
- (2) Changing the source of funding to the funds received by the State of Hawaii from the American Rescue Plan Act of 2021, Public Law 117-2 (Section 9901);

- (3) Changing its effective date to July 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 863, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 863, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Keith-Agaran and Riviere.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Branco and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 115 on H.B. No. 1149

The purpose of this measure is to restructure the manner in which the State handles certain land use and planning matters by:

- (1) Exempting the Land Use Commission from certain provisions of section 26-35, Hawaii Revised Statutes, pertaining to the administrative supervision of boards and commissions;
- (2) Administratively attaching the Land Use Commission to the Office of Planning; and
- (3) Maintaining the independence of the Land Use Commission on matters coming before it to which the Office of Planning is a party by requiring the establishment of and adherence to procedures and safeguards to avoid actual or perceived conflicts of interest that may otherwise arise in the Land Use Commission's proceedings.

Your Committee on Conference has amended this measure by:

- (1) Renaming the newly restructured Office of Planning as the Office of Planning and Sustainable Development (Office) and making conforming amendments;
- (2) Authorizing, rather than requiring, the Office to undertake a boundary review of the classification and districting of all lands in the State;
- (3) If the Office undertakes a boundary review, requiring the Office to submit a report of its findings to the Governor, Legislature, and appropriate state and county agencies;
- (4) Requiring the Office to assist the Legislature and state and county agencies in maintaining an overall framework to guide the development of the State;
- (5) Authorizing, rather than requiring, the Director of the Office to retain staff in conformity with chapter 76, Hawaii Revised Statutes;
- (6) Authorizing the Director of the Office to retain staff without regard to chapter 76, Hawaii Revised Statutes;
- (7) Requiring the Office to gather, analyze, and provide information to the Legislature and state and county agencies to assist in the overall analysis and formulation of state policies and strategies;
- (8) Clarifying and strengthening the provisions that may prevent conflicts of interest in proceedings before the Land Use Commission; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1149, 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. 1149, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Moriwaki, Dela Cruz and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Tarnas, Luke and McDermott.

Managers on the part of the House.

Ayes, 3; Ayes with Reservations (McDermott). Noes, none. Excused, none.

Conf. Com. Rep. 116 on H.B. No. 1352

The purpose of this measure is to require the Office of Planning to submit a report to the Legislature containing the following:

(1) An inventory of the lands within the State that are leased to, or under the control of, the federal government, to be prepared by the Department of Land and Natural Resources by a date determined by the Office of Planning;

- (2) Any known contaminants or environmental hazards on the lands based on past environmental studies, to be prepared by the Department of Health in consultation with the Environmental Protection Agency, by a date determined by the Office of Planning;
- (3) Input from all executive branch departments and agencies and the Office of Hawaiian Affairs on remediation and restoration needs and proposed alternative uses for the lands; and
- (4) The Office of Planning's findings and recommendations, including any proposed legislation, based on the information above.

Your Committee on Conference has amended this measure by changing its effective date to July 1, 2021.

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. 1352, 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. 1352, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Gabbard, Nishihara, Wakai and Fevella.

Managers on the part of the Senate.

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

Representatives Ohno, Tarnas, Marten, Ganaden and McDermott.

Managers on the part of the House.

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

Conf. Com. Rep. 117 on H.B. No. 1176

The purpose of this measure is to:

- (1) Authorize the Governor to designate the Department of Land and Natural Resources to administer or enter into agreements to administer a Green Job Youth Corps Program to help address the unemployment impacts of the COVID-19 pandemic and support work and training opportunities for young adults and economic diversification;
- Require the Department of Land and Natural Resources to submit a progress report to the Legislature prior to the convening of the Regular Session of 2022; and
- (3) Appropriate funds.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the Green Job Youth Corps Program shall prioritize work and training opportunities for young adults between ages twenty and forty, rather than thirty years or younger;
- (2) Deleting language that would have appropriated general funds for the Green Job Youth Corps Program;
- (3) Appropriating \$5,000,000 out of the funds received by the State from the American Rescue Plan Act, Public Law 117-2, section 9901, for salaries only for up to one thousand Green Job Youth Corps Program participant positions;
- (4) Lapsing all unexpended and unencumbered balances of the appropriation on November 1, 2021;
- (5) Changing the effective date to July 1, 2021; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1176, 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. 1176, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Inouye and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Quinlan, Holt and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 118 on H.B. No. 1191

The purpose of this measure is to:

- (1) Establish the Broadband Infrastructure Grant Program to award grants to applicants to extend deployment of infrastructure used to provide broadband service to unserved and underserved areas of the State;
- (2) Amend the Hawaii Technology Loan Revolving Fund to rename it the Hawaii Broadband Infrastructure Fund, change the types of funds deposited into the fund, and increase the expenditure ceiling; and
- (3) Authorize the issuance of general obligation bonds for the Broadband Infrastructure Grant Program.

- (1) Clarifying the eligibility requirements for an applicant under the Broadband Infrastructure Grant Program by:
 - (A) Requiring an applicant to commit to paying a minimum of sixty percent, rather than eighty percent, of the total project costs out of the applicant's own funds;
 - (B) Removing references to the State's portion of the total project costs; and
 - (C) Removing the requirement for an applicant to attest that the project does not jeopardize the eligibility of federal funding;
- (2) Renaming the Hawaii Technology Loan Revolving Fund the Hawaii Broadband Infrastructure Special Fund, rather than the Hawaii Broadband Infrastructure Fund;
- (3) Deleting language that would have allowed funds received from a county to be deposited into the Hawaii Broadband Infrastructure Special Fund;
- (4) Deleting language that would have authorized the issuance of general obligation bonds for the Broadband Infrastructure Grant Program;
- (5) Appropriating \$5,000,000 out of the funds received by the State from the American Rescue Plan Act of 2021, Public Law 117-2 (Section 9901), for the Broadband Infrastructure Grant Program;
- (6) Establishing the Hawaii Broadband and Digital Equity Office within the Department of Business, Economic Development, and Tourism;
- (7) Requiring the Governor, upon the advice and consent of the Senate, to appoint a Strategic Broadband Coordinator to head the Hawaii Broadband and Digital Equity Office;
- (8) Changing the effective date to July 1, 2021; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1191, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1191, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Kidani and Misalucha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Quinlan, Johanson, Cullen, D. Kobayashi and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (D. Kobayashi).

Conf. Com. Rep. 119 on H.B. No. 561

The purpose of this measure is to:

- Require the Public Utilities Commission to make determinations of the reasonableness of the costs pertaining to fossil fuel or biomass sourced electricity or gas utility system capital improvements and operations and to consider the effect of the State's reliance on fossil fuels and biomass based on certain factors;
- (2) Require the Public Utilities Commission to determine on an individual basis whether an analysis is necessary for proceedings involving water, wastewater, or telecommunications providers; and
- (3) Exempt the Public Utilities Commission from the requirement to conduct an analysis for a utility's routine system replacements or determinations that do not pertain to capital improvements or operations.

Your Committee on Conference has amended this measure by:

- (1) Deleting the preamble;
- (2) Clarifying that the Public Utilities Commission shall make determinations of the reasonableness of the costs pertaining to electric or gas, and deleting "fossil fuel or biomass sourced", utility system capital improvements and operations in its consideration to reduce the State's reliance on fossil fuels;
- (3) Deleting all references to "and biomass";
- (4) Replacing "overground" with "underground" line determinations; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 561, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 561, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Baker, Dela Cruz and Misalucha.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Lowen, Kitagawa, Marten and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 120 on H.B. No. 552

The purpose of this measure is to:

- (1) Establish clean ground transportation goals for state agencies on a staggered basis until achieving a one hundred percent light-duty motor vehicle clean fleet by December 31, 2030;
- (2) Establish procurement policy requirements for medium- and heavy-duty motor vehicles;
- (3) Allow state and county agencies to include trees and plants having lifespans longer than twenty years as a part of capital improvement projects;
- (4) Require that all new light-duty passenger vehicles purchased for the State's fleet are zero-emission vehicles and permit the Department of Accounting and General Services to authorize an exemption for new fleet vehicle procurement;
- (5) Conform various definitions to the Code of Federal Regulations;
- (6) Provide for electric vehicle charging and clean ground transportation goals in the State's planning and budget preparation and program implementation goals; and
- (7) Require the Chief Energy Officer to lead the efforts to incorporate energy efficiency, renewable energy, energy resiliency, and clean transportation to reduce costs and achieve clean energy goals across all public facilities.

Your Committee on Conference has amended this measure by:

- (1) Amending the clean ground transportation goals for the State's fleet to the following:
 - (A) One hundred percent of light-duty motor vehicles that are passenger cars to be zero-emission vehicles by December 31, 2030; and
 - (B) One hundred percent of light-duty motor vehicles to be zero-emission vehicles by December 31, 2035;
- (2) Deleting language that would have allowed state and county agencies to include trees and plants having lifespans longer than twenty years as a part of capital improvement projects;
- (3) Deleting language that would have provided for electric vehicle charging and clean ground transportation goals in the State's planning and budget preparation and program implementation goals;
- (4) Authorizing the Department of Accounting and General Services to approve state fleet acquisition, including:
 - (A) Establishing one hundred percent zero-emission vehicle requirements for light-duty motor vehicles that are passenger cars and light-duty motor vehicles that are multipurpose passenger vehicles and trucks by January 1, 2022, and January 1, 2030, respectively; and
 - (B) Authorizing the Comptroller to exempt new fleet vehicle purchases from zero-emission requirements for various reasons;
- (5) Requiring the Department of Transportation, in collaboration with the Hawaii State Energy Office, to develop strategies to transition all light-duty motor vehicles in the State's fleets to meet its clean ground transportation goals;
- (6) Clarifying provisions relating to the procurement policy for public agencies purchasing or leasing light-, medium-, and heavy-duty motor vehicles, including the priority for selecting vehicles and various related definitions;
- (7) Specifying that vehicles acquired from another state agency and vehicles excluded from the procurement policy requirements described in paragraph (6) shall be included in the calculation of the State's clean ground transportation goals;
- (8) Clarifying that with regard to motor vehicles and transportation fuel, each state agency shall include:
 - (A) Efficient utilization of renewable energy for charging electric vehicles in its promotion of efficient operation of vehicles;
 and
 - (B) The collection and maintenance of hourly charging data by electric vehicle and electric vehicle charging system;
- (9) Deleting language that would have required the Hawaii State Energy Office to lead the efforts to incorporate energy efficiency, renewable energy, energy resiliency, and clean transportation to reduce costs and achieve clean energy goals across all public facilities;
- (10) Changing the effective date to July 1, 2021; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 552, 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. 552, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Lee and Kidani.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Lowen, Aquino, Johanson, Cullen and Matsumoto.

Managers on the part of the House.

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

Conf. Com. Rep. 121 on H.B. No. 73

The purpose of this measure is to amend the definition of "emergency worker" in the Penal Code to include Hawaii state on-scene coordinators and telecommunications dispatchers.

Your Committee on Conference has amended this measure by:

- (1) Deleting its contents and inserting language that requires the Department of Human Resources Development to:
 - (A) Review the classification and compensation schedules for telephone and emergency dispatchers and similar employees;
 and
 - (B) Submit a report to the Legislature recommending modifications to those classification and compensation schedules;
- (2) Changing its effective date to upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 73, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 73, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Holt, D. Kobayashi and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 122 on H.B. No. 357

The purpose of this measure is to establish the statute of limitations for all claims against the State founded upon article I, section 20, of the Hawaii State Constitution, regarding eminent domain, as two years.

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

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. 357, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 357, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Yamashita, D. Kobayashi and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 123 on H.B. No. 1311

The purpose of this measure is to address the shortage of affordable rental housing on Maui and maintain the viability of the Keawe Street Apartments affordable housing project by:

- (1) Removing the 2022 deadline for completion of the Leialii affordable housing project; and
- (2) Specifying that the developer of the Keawe Street Apartments affordable housing project shall be responsible for all associated costs of the archaeological inventory survey for the footprint of the Keawe Street apartments affordable housing project but shall not be responsible for the cost of the archaeological inventory survey for the entire Villages of Leialii master planned community.

- (1) Reverting to the existing \$37,000,000 appropriation authorized by Act 98, Session Laws of Hawaii 2019;
- (2) Requiring the Villages of Leialii affordable housing project to comply with the requirements of the Historic Preservation Law, as funding is appropriated for each portion of the Villages of Leialii affordable housing project;
- (3) Changing the effective date to July 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1311, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1311, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Chang, Moriwaki, Rhoads, Inouye and Fevella.

Managers on the part of the Senate.

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

Representatives Nakamura, McKelvey, Yamashita, Hashimoto and McDermott.

Managers on the part of the House.

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

Conf. Com. Rep. 124 on H.B. No. 80

The purpose of this measure is to amend the Low-Income Housing Tax Credit by:

- Allowing the tax credit to be allocated by a partnership or limited liability company in any manner agreed to by the partners or members, regardless of whether an individual or entity receiving the tax credit is deemed to be a partner or member for federal income tax purposes;
- (2) Requiring claims for the tax credit to include an Internal Revenue Service Form 8609;
- (3) Specifying the application of certain tax provisions with respect to qualified low-income buildings placed in service after December 31, 2020; and
- (4) Extending the sunset date of Act 129, Session Laws of Hawaii 2016, from December 31, 2021, to December 31, 2027.

Your Committee on Conference has amended this measure by:

- (1) Deleting language stating that the intent of the measure is not to jeopardize the receipt of any federal aid;
- (2) Deleting severability language;
- (3) Changing the effective date to July 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 80, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 80, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Shimabukuro, Taniguchi and Fevella.

Managers on the part of the Senate.

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

Representatives Nakamura, Nishimoto, Hashimoto, Takumi and McDermott.

Managers on the part of the House.

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

Conf. Com. Rep. 125 on H.B. No. 1081

The purpose of this measure is to require the Department of Transportation and each county's transportation department to maintain and publish a priority list of sidewalk installation and pedestrian improvement projects.

Your Committee on Conference has amended this measure by changing the effective date to July 1, 2021.

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. 1081, 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. 1081, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Wakai and Rhoads.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Aquino, Ilagan and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 126 on H.B. No. 824

The purpose of this measure is to require any express carrier company, certain common or contract carriers, or any other person that transports liquor from outside the State for delivery in the State, to prepare and file a monthly report with the liquor commission or liquor control adjudication board of each county.

- (1) Changing the effective date to July 1, 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 824, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 824, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Wakai and Chang. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Aquino, Johanson, Ilagan, Takumi and Matsumoto.

Managers on the part of the House.

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

Conf. Com. Rep. 127 on H.B. No. 766

The purpose of this measure is to amend Act 30, Session Laws of Hawaii 2020, to increase the funding appropriated from the State Highway Fund for the Photo Red Light Imaging Detector Systems pilot program.

Your Committee on Conference has amended this measure by making it take effect retroactively on June 30, 2021.

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. 766, 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. 766, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Inouye, Shimabukuro and Fevella.

Managers on the part of the Senate.

Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Shimabukuro).

Representatives Aquino, Johanson, Cullen and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 128 on S.B. No. 765

The purpose of this measure is to:

- (1) Establish sentencing guidelines for highly intoxicated drivers;
- (2) Require that ignition interlock devices be installed on all vehicles operated by a person upon license revocation;
- (3) Increase the license revocation period and extend the applicable lookback periods; and
- (4) Amend the penalties for operating a vehicle under the influence of an intoxicant.

Your Committee on Conference finds that the habitual highly intoxicated driver poses a substantial risk to others on the road. Despite their repeated arrests and convictions, these drivers continue to drive while intoxicated. This measure aims to strengthen the current law regarding operating a vehicle under the influence of an intoxicant.

Your Committee on Conference has amended this measure by changing the effective date to July 1, 2021.

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. 765, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 765, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Rhoads and English.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (English).

Representatives Nakashima, Cullen, Takumi and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Ward).

Conf. Com. Rep. 129 on S.B. No. 934

The purpose of this measure is to exempt hydrogen fuel products from petroleum product measurement requirements.

Your Committee on Conference finds that hydrogen has an important role to play in Hawaii's energy portfolio as a carbon-free energy storage mechanism, potential means of providing grid support, and provider of pollution-free fuel for both electricity and transportation. Your Committee on Conference further finds that the definition of fuel is broad and does not exclude hydrogen, which implies that hydrogen must be sold on the basis of measure. Currently, the State has no means to measure and certify a hydrogen dispenser. This measure will assist the State in utilizing other forms of renewable fuels by explicitly exempting hydrogen fuels from measurement standards relating to fuel.

Your Committee on Conference has amended this measure by changing the effective date to July 1, 2021.

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. 934, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 934, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Wakai and Rhoads. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Rhoads).

Representatives Lowen, Kitagawa, Marten and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Matsumoto).

Conf. Com. Rep. 130 on S.B. No. 242

The purpose of this measure is to:

- (1) Establish the computer science special fund until June 30,2026;
- (2) Require that public and charter schools offer education in computer science; and
- (3) Require the Department of Education to submit to the Board of Education and Legislature annual reports.

Your Committee on Conference finds that the economic disruption caused by the global coronavirus disease 2019 (COVID-19) pandemic has illustrated a need to diversify Hawaii's economy beyond tourism and has highlighted the importance of digital literacy. Your Committee on Conference further finds that the economic disruption caused by the COVID-19 pandemic has increased the focus on computer science education as a key driver of both economic growth and digital literacy. A computer science job pipeline can help to diversify Hawaii's economy away from tourism and into cybersecurity, green energy, robotics, and other technology-based fields. This measure requires schools to offer education in computer science, which will provide students with a knowledge in technology so that they may capitalize on growing opportunities in the computer science industry in the future.

Your Committee on Conference has amended this measure by:

- (1) Removing language that establishes the computer science special fund;
- (2) Changing the effective date to July 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 242, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 242, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Perruso, Ganaden, Gates and Okimoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 131 on S.B. No. 222

The purpose of this measure is to, beginning July 1, 2022, require the Comptroller's annual report to the Governor and Legislature to include a list of all accounts closed by the Comptroller during the immediately preceding fiscal year and a list of accounts that remain open but that are serving a lapsed program or initiative.

Your Committee on Conference finds that although the Department of Accounting and General Services reports on closed accounts, departments do not always report accounts that are open but inactive and are serving lapsed funds.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 222, 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. 222, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Wakai and Kanuha. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Wildberger and Ward.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 132 on S.B. No. 332

The purpose of this measure is to temporarily amend for one year the powers and duties of the Comptroller to reduce the preaudit requirements of all proposed payments to expenditures.

Your Committee on Conference finds that the State's forty-five-year-old accounting software system is a dated processing system that requires substantial human intervention and paper processing because it was not designed with automated checks and balances embedded in the programming methodology. Your Committee on Conference further finds that updating the preaudit process for proposed payments can help the State provide more effective, efficient, and expeditious services to the public. Your Committee on Conference notes that the new Financial Management System project, which will replace the outdated manual process, will also help preserve and strengthen the integrity of the Comptroller's pre-audits and post-audits.

Your Committee on Conference has amended this measure by:

- (1) Allowing the Comptroller to preaudit proposed payments that are less than \$100,000;
- (2) Requiring the Comptroller to preaudit proposed payments of expenditures of \$100,000 or more;
- (3) Changing the effective date to July 1, 2021 and inserting a sunset date of July 1, 2024; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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. 332, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 332, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Kanuha and Chang. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Wildberger and Ward. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 133 on S.B. No. 939

The purpose of this measure is to establish June 19 of each year as Juneteenth in recognition of the history and legacy of slavery in the United States and in honor of the significant roles and contributions of African Americans in the history of the United States.

Your Committee on Conference finds that Hawaii is one of only three states that have not recognized Juneteenth as a state holiday or special day of observance. Juneteenth, also known as Freedom Day, was the day in 1865 that Union soldiers rode into Galveston, Texas, declaring the end of the Civil War and that all slaves were free. The holiday is a celebration of African American freedom and achievement, encouraging continuous self-development and respect for all cultures. Your Committee on Conference further finds that as a state that prides itself on diversity and inclusivity, it is long overdue for the State to fully live out the Aloha spirit and stand with the forty-six states that have chosen to make Juneteenth an annual day of remembrance and celebration.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 939, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 939, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Wakai and Taniguchi. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Gates, Matayoshi, B. Kobayashi, Tokioka and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, 1 (Ward).

Conf. Com. Rep. 134 on S.B. No. 1015

The purpose of this measure is to require the Comptroller to perform additional office space management duties for state agencies occupying facilities that are managed by the Department of Accounting and General Services.

Your Committee on Conference finds that remote teleworking during the coronavirus disease 2019 pandemic has enabled the State to make better use of its limited resources, including office space, furnishing, equipment, electrical and data requirements, storage space, and other traditional needs of employees who work at state facilities. Your Committee on Conference further finds that the Department of Accounting and General Services (DAGS) manages roughly one percent of the entire state building inventory.

- (1) Expanding the Comptroller's authority to manage spaces in facilities to include those that are not managed by DAGS;
- (2) Decreasing the total square footage of state-leased space for the Comptroller to reduce before July 1, 2026, from twenty-five to ten percent;

- (3) Requiring the Comptroller to submit the first annual progress report to the Legislature prior to the Regular Session of 2022;
- (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 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. 1015, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1015, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Kidani and Kanuha. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Ichiyama, Eli and Ward. Managers on the part of the House. Ayes, 2. Noes, none. Excused, 1 (Ward).

Conf. Com. Rep. 135 on S.B. No. 1204

The purpose of this measure is to:

- (1) Replace the four district taxation boards of review with a single statewide Taxation Board of Review consisting of up to ten residents to be appointed by the Governor;
- Authorize the Governor to appoint temporary board members during regular members' temporary absence from the State, recusal, or illness;
- (3) Require a quorum of at least three board members for any meeting or proceeding;
- (4) Authorize taxpayers and others appearing before the Taxation Board of Review to participate using cost-efficient means, such as teleconferencing;
- (5) Require all decisions of the Taxation Board of Review to be reduced to writing and state the Board's findings of fact and conclusions of law separately; and
- (6) Repeal the requirement that the assessor prepare the notice of appeal upon the request of the taxpayer.

Your Committee on Conference finds that the laws regarding the boards of review for each taxation district have inadvertently rendered the taxation appeal process practically inoperable. Your Committee on Conference further finds that replacing the four district boards of review with a single, statewide Taxation Board of Review will address and solve the existing boards' current inability to achieve regular and consistent quorum and increase the limited pool of candidates who are qualified and willing to serve.

Your Committee on Conference has amended this measure by making it effective upon its approval.

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. 1204, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1204, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Keith-Agaran and Rhoads. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Rhoads).

Representatives Quinlan, Matayoshi, Holt and Okimoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 136 on S.B. No. 1329

The purpose of this measure is to amend the Hawaii Public Procurement Code to:

- (1) Require the Chief Procurement Officer or designee to address protests as expeditiously as possible;
- (2) Establish time limits to resolve protests to the awards of competitive sealed proposal contracts and procurements of professional services, if the protest is not resolved by mutual agreement, unless extenuating circumstances require additional time; and
- (3) Amend the cash or protest bond amount for a party initiating an administrative proceeding for review of a decision on the solicitation or award of a competitive sealed bidding or competitive sealed proposal contract, depending on the estimated value of the awarded contract.

Your Committee on Conference finds that the timely review and resolution of bid protests reduces the costs and facilitates the execution of state-awarded projects, especially contracts on major construction and other crucial infrastructure enhancements. Your Committee on Conference notes that existing statutes and administrative rules on administrative review of the procurement protests require a resolution within forty-five days from the date of receipt of the protest, and therefore concludes that seventy-five calendar

days, with an extension of forty-five calendar days for extenuating circumstances, is a sufficient period of time for review and response from the procuring department or agency.

Your Committee on Conference further finds that the current cash or protest bond amount for a party initiating an administrative proceeding for review under the Hawaii Public Procurement Code is too low for public works projects.

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

- Requiring the Chief Procurement Officer or designee to respond to protests to the awards of construction contracts and airport
 contracts that are not resolved by mutual agreement, within seventy-five calendar days of receipt of the protests;
- (2) Allowing for an extension of the seventy-five-day resolution period under certain circumstances;
- (3) Amending the protest bond amount for a party initiating an administrative proceeding for review of a decision on the solicitation or award of a competitive sealed bidding or competitive sealed proposal contract to the singular rate of one percent of the estimated value of the contract;
- (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 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. 1329, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1329, S.D. 2, H.D. 3, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Kim and Kanuha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Johanson, Wildberger and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Johanson).

Conf. Com. Rep. 137 on S.B. No. 599

The purpose of this measure is to require massage therapist licensees to complete twelve hours of continuing education which shall include two hours of first aid, cardiopulmonary resuscitation, or other emergency-related course.

Your Committee on Conference finds that the practice of massage therapy in the State affects public health and safety. As a matter of public interest and concern, massage therapist licensees should regularly maintain their knowledge and education and receive basic first aid and emergency-related training through mandatory continuing education requirements. This measure requires massage therapists to complete basic first aid or emergency-related training as a condition of obtaining or renewing their licenses.

Your Committee on Conference has 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 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. 599, 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. 599, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Baker and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Nishimoto and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 138 on S.B. No. 814

The purpose of this measure is to:

- (1) Require members of the State Public Charter School Commission to collectively possess strong experience and expertise in various fields:
- (2) Allow the authorizer's staff to provide technical support up until the completed charter application is submitted;
- (3) Clarify charter application notice requirements; and
- (4) Clarify authorizer compliance requirements in cases of an appeal.

Your Committee on Conference finds that the charter school processes for new school applicants, contract renewals, and contract negotiation are inconsistent, difficult to navigate, and lack transparency. This measure will allow applicants to cure any deficiencies

with their application rather than be automatically denied for nonsubstantive reasons and streamlines the charter school application process to ensure that approvals are obtained in a consistent and transparent manner.

Your Committee on Conference amended this measure by:

- (1) Specifying that the members of the State Public Charter School Commission shall collectively possess experience and expertise in public or nonprofit governance, management and finance, assessment, and public education;
- Removing language that allowed an authorizer's staff to provide technical support to a prospective charter school applicant or applicant governing board;
- (3) Removing the letter of intent as part of the application process for charter schools;
- (4) Clarifying that the applicant governing board may cure any deficiency with their application within the application period;
- (5) Removing language that provided that if an authorizer takes any action that prohibits any applicant from proceeding with an application for any reason, then the action would be deemed a denial and subject to appeal;
- (6) Changing the effective date to July 1, 2021; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 814, 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. 814, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Keohokalole and Kanuha.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Ilagan, Gates, Perruso and Okimoto.

Managers on the part of the House.

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

Conf. Com. Rep. 139 on S.B. No. 664

The purpose of this measure is to appropriate funds for the Hawaii Correctional System Oversight Commission.

Your Committee on Conference finds that the Legislature established the oversight coordinator position in 2019 when it established the Hawaii Correctional Oversight Commission. The Legislature specified the salary of the oversight coordinator, mandated that the oversight coordinator devote their entire time and attention to the administration of the Commission, and authorized the oversight coordinator to employ persons to perform the functions of the Commission. Nonetheless, to date, the Commission has operated without the benefit of an oversight coordinator or support staff. This measure will ensure that there is funding for an oversight coordinator position.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$330,000; and
- (2) Changing the effective date to July 1, 2021.

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. 664, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 664, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Rhoads, Taniguchi and English.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (English).

Representatives Ohno, Matayoshi, Nishimoto, Ganaden and McDermott.

Managers on the part of the House.

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

Conf. Com. Rep. 140 on S.B. No. 263

The purpose of this measure is to:

- (1) Transfer oversight of the "Made in Hawaii" Program as it relates to manufactured products to the Department of Business, Economic Development, and Tourism;
- (2) Place the "Grown in Hawaii" Program under the management of the Department of Agriculture;
- (3) Transfer the ownership of the "Made in Hawaii with Aloha" trademark from the Department of Agriculture to the Department of Business, Economic Development, and Tourism; and
- (4) Appropriate funds to the Department of Business, Economic Development, and Tourism for the oversight and administration of the "Made in Hawaii" Program and for the promotion of the "Made in Hawaii with Aloha" brand.

Your Committee on Conference finds that this measure will help to raise the profile of Hawaii-branded products and move the local manufacturing and agriculture industries forward.

Your Committee on Conference has amended this measure by:

- (1) Renaming the "Made in Hawaii with Aloha" Program to the "Hawaii Made" Program;
- (2) Renaming the "Made in Hawaii with Aloha" trademark to the "Hawaii Made" trademark;
- (3) Outlining the Department of Business, Economic Development, and Tourism's oversight and administration responsibilities for the "Hawaii Made" Program;
- (4) Removing the "Grown in Hawaii" Program oversight provision;
- (5) Removing provisions that created a master plan for the marketing and advertising activities of the Department of Business, Economic Development, and Tourism and the Department of Land and Natural Resources;
- (6) Appropriating \$150,000 to the Department of Business, Economic Development, and Tourism out of federal funds for fiscal year 2021-2022, for the oversight and administration of the "Hawaii Made" Program and for the promotion of the "Hawaii Made" trademark;
- (7) Changing the effective date to upon its approval; and
- (8) Making technical, nonsubstantive amendments for the purposes of consistency and clarity.

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. 263, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 263, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Gabbard, Moriwaki, Misalucha and Fevella.

Managers on the part of the Senate.

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

Representatives Quinlan, Hashem, Johanson, Cullen and Okimoto.

Managers on the part of the House.

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

Conf. Com. Rep. 141 on S.B. No. 873

The purpose of this measure is to authorize contested case hearings to be conducted via the use of interactive conference technology.

Your Committee on Conference finds that contested case hearings can be conducted by using interactive conference technology, which is already being utilized for public meetings in accordance with section 92-3.5, Hawaii Revised Statutes. Your Committee on Conference further finds that allowing contested case hearings to be conducted by interactive conference technology will improve efficiency without compromising effectiveness.

Your Committee on Conference has amended this measure by making it effective on October 1, 2021.

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. 873, 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. 873, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Cullen and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 142 on S.B. No. 1196

The purpose 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) Impose a penalty on employers that fail to timely furnish and file the wage and tax statement.

Your Committee on Conference finds that under existing state law, there is no penalty if an employer fails to furnish an employee with their wage and tax statement (Form W-2) or fails to file a copy of Form W-2 with the Department of Taxation. This measure encourages further compliance with the requirements of state tax law and aligns state filing deadlines with those established by the Internal Revenue Service.

- (1) Specifying penalty amounts for failure to timely furnish and file wage and tax statements of \$25 per failure not to exceed \$50 per employee; and
- (2) Inserting an effective date of January 1, 2022.

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. 1196, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1196, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Taniguchi and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Quinlan, Holt and Okimoto. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 143 on S.B. No. 548

The purpose of this measure is to:

- (1) Amend various statutory provisions to clarify and improve the administration of elections by mail;
- (2) Establish voters with special needs advisory committees at the state and county levels;
- (3) Require the Department of Public Safety and the Hawaii Paroling Authority to inform individuals on parole or probation of their right to vote and provide them with voting information; and
- (4) Require the Office of Elections and the county clerks to make a determination, as soon as practicable, of the optimal number and placement of voter service centers.

Your Committee on Conference finds that statewide elections by mail were implemented in the 2020 primary and general elections, with the State receiving a record voter turnout. Your Committee on Conference further finds that although the administration of elections by mail in the State has been generally successful, further refinement and clarification of election law is required.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the minimum requirement of four precincts in each district applies beginning with the 2022 primary election;
- (2) Requiring each county to establish a county voters with special needs advisory committee;
- (3) Specifying the process by which ballots may be forwarded by electronic transmission to voters with special needs;
- (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 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. 548, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 548, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Cullen and Ward.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 144 on S.B. No. 140

The purpose of this measure is to:

- (1) Require the Hawaii Community Development Authority to develop a transit-oriented development zone improvement program;
- (2) Amend the membership of the Hawaii Community Development Authority for matters affecting transit-oriented development zones; and
- (3) Authorize the Hawaii Community Development Authority to establish transit-oriented development zones for lands within county-designated transit-oriented development zones or within a one-half mile radius around proposed or existing transit stations, under certain circumstances.

Your Committee on Conference finds that transit-oriented development zones promote a wide range of social, environmental, and economic benefits, but currently, no single entity has the authority to redevelop the State's assets along the transit corridor in the best interest of the State. This measure fosters community development by strategically investing in public facilities through transit-oriented development.

Your Committee on Conference has amended this measure by:

- (1) Removing language that amended the membership of the Hawaii Community Development Authority for matters affecting community development districts;
- (2) Inserting language that establishes the Transit-Oriented Development Zone Improvement Board to govern the Transit-Oriented Development Zone Improvement Program;
- Amending the definition of transit-oriented development to require transit-oriented development zones in counties with a population in excess of five hundred thousand to include a rail station or planned rail station;
- (4) Inserting an effective date of July 1, 2021; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 140, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 140, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs and Speaker of the House of Representatives on behalf of the Committee.

Senators Inouye, Moriwaki and Riviere.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Aquino, Nakamura, Tarnas, Cullen, Hashimoto and Matsumoto.

Managers on the part of the House.

Ayes, 6. Noes, none. Excused, none.

Conf. Com. Rep. 145 on S.B. No. 1139

The purpose of this measure is to:

- (1) Authorize the Department of Health to adopt administrative rules to establish patient registration fees beginning in fiscal year 2022;
- Appropriate monies from the medical cannabis registry and regulation special fund to finance operations and staff, including administrative services, of the Office of Medical Cannabis Control and Regulation;
- Establish, hire, and fill one full-time equivalent (1.00 FTE) permanent position funded by the medical cannabis registry and regulation special fund; and
- (4) Establish a task force to explore a dual system program of legalization for cannabis and its impact on qualifying patients, which shall submit a report of its findings to the Legislature.

Your Committee on Conference finds that the Office of Medical Cannabis Control and Regulation was forced to eliminate six fulltime positions, including critical administrative staff, due to the budget shortfalls caused by the coronavirus disease 2019 pandemic. Administrative and program staff are needed to meet current statutory requirements and the need for administrative and programmatic support will only increase as the landscape for medical cannabis grows and evolves. This measure allows the Department of Health to establish patient registration fees through administrative rules, which would give the Office the financial flexibility it needs to support its ongoing operating costs.

Your Committee on Conference has amended this measure by:

- (1) Removing the appropriation from the medical cannabis registry and regulation special fund and the full-time equivalent permanent position funded by that appropriation;
- (2) Amending section 1 of this measure to reflect its amended purpose;
- (3) Changing the effective date to upon its approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1139, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1139, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Johanson, Tam, Kapela and Ward.

Managers on the part of the House.

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

Conf. Com. Rep. 146 on S.B. No. 324

The purpose of this measure is to establish a definition of the practice of medicine that provides uniformity of practice for both medical and osteopathic physicians.

Your Committee on Conference finds that the definition of the practice of medicine was last amended in 2008 to include a distinct definition of osteopathic medicine. Your Committee on Conference further finds that medical doctors and osteopathic doctors are both physicians of equivalent education and training and should be regulated as such. This measure provides for the uniform regulation of medical and osteopathic doctors.

Your Committee on Conference has amended this measure by changing the effective date to upon its approval.

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. 324, 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. 324, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Baker and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Johanson, Tam, Har and Ward.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 147 on S.B. No. 1340

The purpose of this measure is to:

- (1) Enable the Hawaii Medical Board to issue licenses for emergency medical responders and other emergency ambulance personnel, which shall be based on certain requirements;
- (2) Include emergency medical responders in the State's pre-hospital response; and
- (3) Require the Department of Commerce and Consumer Affairs to examine a potential additional licensure category for emergency medical technicians who have received certain certification from the National Registry of Emergency Technicians but do not provide emergency ambulance services.

Your Committee on Conference finds that there is currently no licensure category for emergency medical technicians who only have National Registry Emergency Medical Technician certification. However, these emergency medical technicians, which include firefighters and ocean safety lifeguards, provide life-saving care with minimal equipment to critical care patients. This measure establishes licensure for emergency medical technicians who only have National Registry Emergency Medical Technician certification.

Your Committee on Conference has amended this measure by:

- Removing the amendment to the definition of "emergency medical services personnel" in section 321-222, Hawaii Revised Statutes:
- (2) Amending chapter 453, Hawaii Revised Statutes, by adding a new section that:
 - (A) Requires the Hawaii Medical Board to issue licenses in four levels of emergency response practice, provided the practice is performed in a county with a population of 500,000 or greater;
 - (B) Requires the Hawaii Medical Board to accept license applications for a new class of license designated Emergency Medical Technician 1; and
 - (C) Sets forth practice requirements for Emergency Medical Technician 1 licensees;
- (3) Removing the issuance of emergency medical responder certifications and replacing it with emergency medical services licenses;
- (4) Removing the provision authorizing applications for emergency medical responder licenses;
- (5) Removing the requirement that the Department of Commerce and Consumer Affairs examine the possibility of an additional category of emergency medical technician license;
- (6) Inserting an appropriation amount of \$31,000 out of the compliance resolution fund for the hiring of a 0.5 full-time equivalent (0.5 FTE) permanent position;
- (7) Amending section 1 of the measure to reflect its amended purpose;
- (8) Changing the effective date to July 1, 2021;
- (9) Inserting a repeal date of July 1, 2027; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1340, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1340, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Baker and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Kitagawa, Tam, Kapela and Ward.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 148 on S.B. No. 808

The purpose of this measure is to:

- (1) Rename the School Facilities Agency as the School Facilities Authority;
- Describe the powers and responsibilities of the School Facilities Authority by amending chapter 302A, part VI, subpart C and Act 72, Session Laws of Hawaii 2020;
- (3) Transfer the total fund balance in the state educational improvement fund to the school facilities special fund by an unspecified date; and
- (4) Appropriate funds.

Your Committee on Conference finds that Act 72, Session Laws of Hawaii 2020, established the School Facilities Agency, to be responsible for the development, planning, and construction of public school capital improvement projects and help improve the efficiency of school construction while more directly addressing the education needs of students. Your Committee on Conference further finds that this measure will provide more clarity as to the powers and responsibilities of the School Facilities Agency, the Agency's Executive Director and administrative staff, and the School Facilities Board, which will improve the Agency's overall efficiency and effectiveness.

- (1) Updating the purpose section;
- Clarifying that the School Facilities Authority shall employ an Executive Director exempt from chapters 76 and 89, Hawaii Revised Statutes;
- (3) Removing language that provides that the establishment of the School Facilities Authority shall be for the purposes of implementing chapter 302A, part VI, subpart C, Hawaii Revised Statutes;
- (4) Clarifying that the School Facilities Authority shall comply with chapter 103D, Hawaii Revised Statutes;
- (5) Substituting the term "school facilities board" with "school facilities authority board";
- (6) Clarifying that the School Facilities Authority Board shall head and oversee the School Facilities Authority;
- (7) Removing language that the School Facilities Authority Board shall be responsible for advising the School Facilities Authority on preferred strategies to complete construction projects;
- (8) Clarifying that the School Facilities Authority Board shall be responsible for all matter related to the projects the School Facilities Authority is authorized and responsible for initiating and completing;
- (9) Substituting the term "subpart" with "chapter" in section 302A-1705, Hawaii Revised Statutes;
- (10) Amending Act 72, Session Laws of Hawaii 2020, section 5 to exclude the administrative positions for the School Facilities Authority from chapter 89, Hawaii Revised Statutes;
- (11) Amending Act 72, Session Laws of Hawaii 2020, section 10 to clarify that the School Facilities Authority shall be responsible for implementing the provisions of sections 302A-1151.1 and 302A-1151.2, Hawaii Revised Statutes, subpart B, part VI of chapter 302A, Hawaii Revised Statutes, and the development, planning, and construction of public schools facilities that the School Facilities Authority is authorized to undertake and complete;
- (12) Deleting language that required the City and County of Honolulu to convey fee simple interest in properties not previously conveyed to the Department of Education and School Facilities Authority;
- (13) Clarifying that the Executive Director and seven full-time administrative positions of the School Facilities Authority shall be exempt from section 76-16(b), Hawaii Revised Statutes, relating to civil service;
- (14) Specifying that the term "school facilities authority" shall be substituted for the word "department", "board", or "board of education" in section 302A-1151.1, Hawaii Revised Statutes;
- (15) Specifying that the Department of Education shall transfer the total fund balance in the state educational facilities improvement fund and all encumbrances against that fund to the school facilities special fund no later than one hundred eighty days of the effective date of this measure;
- (16) Specifying that every reference to the Department of Education, Board of Education, Chairperson of the Board of Education, or Superintendent of Education relating to the school impact fees is amended to refer to the School Facilities Authority, Executive Director of the School Facilities Authority, School Facilities Board, or Chairperson of the School Facilities Board;
- (17) Removing appropriation language;
- (18) Making conforming amendments; and
- (19) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 808, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 808, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Keith-Agaran and Rhoads.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Keith-Agaran).

Representatives Woodson, Cullen, Yamashita and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Yamashita).

Conf. Com. Rep. 149 on H.B. No. 54

The purpose of this measure is to appropriate funds for deposit into the Emergency and Budget Reserve Fund.

Your Committee on Conference has amended this measure by:

- (1) Inserting an amount of \$250,000,000 for deposit into the Emergency and Budget Reserve Fund;
- (2) Appropriating \$390,000,000 in general funds for the actuarially required contribution for other post-employment benefits;
- (3) Appropriating funds for state debt service payments;
- (4) Making it effective upon its approval; provided that the deposit into the Emergency and Budget Reserve Fund and appropriation for other post-employment benefits take effect retroactively on June 30, 2021; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 54, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 54, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran, Wakai and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Keith-Agaran).

Representatives Luke, Cullen and McDermott.

Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (Cullen).

Conf. Com. Rep. 150 on H.B. No. 1298

The purpose of this measure is to transfer excess moneys from various non-general funds to the general fund.

Your Committee on Conference finds that non-general funds must be reviewed and scrutinized from time to time to determine if resources are being deployed effectively and efficiently. Your Committee on Conference also finds that the funds listed in this measure contain moneys in excess of what is necessary for the purposes of each of those funds and that the excess amounts should be transferred to the general fund.

Your Committee on Conference amended this measure by:

- (1) Inserting provisions requiring each state department to annually submit to the Legislature program measures, cost elements, and accounting reports for all non-general funds under the department's control;
- (2) Amending the list of non-general funds having amounts determined by the Legislature to be in excess of what is necessary for the purposes of each of those funds;
- (3) For certain non-general funds, amending the amounts that are authorized to be transferred to the general fund; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

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. 1298, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1298, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Kanuha, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Luke, Cullen and McDermott.

Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 151 on H.B. No. 1299

The purpose of this measure is to repeal or abolish various non-general funds and transfer the unencumbered balances to the general fund

Your Committee on Conference finds that this measure will help to implement some of the recommendations of the Auditor regarding the reclassification, repeal, or abolition of certain funds. Your Committee on Conference further finds that this measure will help to provide greater transparency and accountability in the funding of certain programs.

Your Committee on Conference has amended this measure by:

- (1) Deleting various provisions that collectively repealed or abolished approximately fifty funds;
- Repealing the agricultural development and food security special fund established pursuant to section 141-10, Hawaii Revised Statutes;
- (3) Abolishing the Leeward Coast homeless project fund;
- (4) Abolishing the Hawaii teacher standards board special fund; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

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. 1299, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1299, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Kanuha and Keith-Agaran.

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, 2. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 152 on H.B. No. 224

The purpose of this measure is to:

- (1) Make the Department of Health alternatively responsible for the State Health Planning and Development Agency's duties;
- Require the State Health Planning and Development Agency or Department of Health to update the state health services and facilities plan every five years;
- (3) Transfer monies in excess of \$2,000,000 in the State Health Planning and Development Special Fund to the general fund at the end of each fiscal year;
- (4) Impose an administrative penalty of an unspecified sum for each seven-day period during which a person violates or fails to act in compliance with an approved certificate of need granted by the State Health Planning and Development Agency;
- (5) Exempt psychiatric services, special treatment facilities, and chronic renal dialysis services in Oahu regional government hospitals from the certificate of need requirements; and
- (6) Appropriate monies from the State Health Planning and Development Special Fund to fund positions within the State Health Planning and Development Agency.

Your Committee on Conference has amended this measure by:

- (1) Reverting to the existing statutory language that establishes the State Health Planning and Development Agency as the administrator of the State Health Planning and Development Special Fund;
- (2) Inserting a \$5,000 administrative penalty;
- (3) Removing special treatment facilities from the exemption from the certificate of need requirements;
- (4) Exempting all chronic renal dialysis services from the certificate of need requirements, rather than only those in Oahu regional government hospitals;
- (5) Removing all appropriations;
- (6) Requiring the Department of Health to conduct a study and report to the Legislature on the efficacy of this measure;
- (7) Changing the effective date to July 1, 2021;
- (8) Inserting a sunset date of July 1, 2026; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 224, 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. 224, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Keith-Agaran and Fevella.

Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Johanson, Cullen, Har and Ward.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 153 on H.B. No. 311

The purpose of this measure is to:

- (1) Extend the Nursing Facility Sustainability Program to June 30, 2024;
- (2) Specify that the Nursing Facility Sustainability Fee shall not exceed 5.5 percent of the overall net patient service revenue;
- (3) Remove the per resident daily maximum fee of \$20 for each facility and permit certain facilities to pay a reduced daily fee, as compared to other participating facilities;
- (4) Allow nursing facilities sixty days to pay the Nursing Facility Sustainability Fee; and
- (5) Appropriate funds out of the Nursing Facility Sustainability Program Special Fund.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$20,000,000 for uses consistent with the Nursing Facility Sustainability Program Special Fund; and
- (2) Changing the effective date to June 29, 2021.

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. 311, 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. 311, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators San Buenaventura, Keohokalole, Kidani, Baker and Ihara.

Managers on the part of the Senate.

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

Representatives Yamane, Tam, Kapela and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Ward).

Conf. Com. Rep. 154 on H.B. No. 541

The purpose of this measure is to:

- Clarify that the duties of the working group established within the Department of Health by Act 263, Session Laws of Hawaii 2019, include identifying gaps in services, coordinating funding sources, and establishing and identifying outcome measures for behavioral health, substance abuse, and homelessness;
- (2) Amend the composition of the working group;
- (3) Require the working group to report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022;
- (4) Make an emergency appropriation to address budget shortfalls relating to payroll and other current expenses for the State Comprehensive Emergency Medical Services System; and
- (5) Require the Department of Commerce and Consumer Affairs to create an additional certification category for emergency medical technicians certified by the National Registry of Emergency Medical Technicians at a higher level of practice than emergency medical responders but who do not provide emergency ambulance service.

Your Committee on Conference has amended this measure by:

- (1) Removing the emergency appropriation;
- (2) Removing the requirement that the Department of Commerce and Consumer Affairs create an additional certification category;
- (3) Inserting an effective date of June 29, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 541, 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. 541, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Ihara, English, Moriwaki and Fevella.

Managers on the part of the Senate.

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

Representatives Yamane, Ichiyama, Tam, Har and Ward.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 155 on H.B. No. 869

The purpose of this measure is to authorize the issuance of special purpose revenue bonds to assist Luana Kai A Life Plan Community with the development and operation of a continuing care retirement community.

Your Committee on Conference has amended this measure by changing the effective date to July 1, 2021.

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. 869, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 869, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Chang, Kanuha and Moriwaki.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Moriwaki).

Representatives Yamane, Tam and Ward.

Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (Ward).

Conf. Com. Rep. 156 on H.B. No. 1283

The purpose of this measure is to:

- (1) Authorize employers of first responder personnel to obtain and provide dementia training for first responder personnel at no cost to the first responder personnel; and
- (2) Authorize the Executive Office on Aging to coordinate dementia training schedules and standards, as necessary, with all public and private entities and agencies responsible for services provided by first responder personnel.

Your Committee on Conference has amended this measure by:

- (1) Inserting an effective date of July 1, 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1283, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1283, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators San Buenaventura, Keohokalole and Moriwaki.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Tam and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 157 on H.B. No. 1284

The purpose of this measure is to establish the All-Claims, All-Payer Data Center Steering Committee within the Department of Human Services to provide oversight and direction for the all-claims, all-payer database and data center in the Department's Health Analytics Program.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to July 1, 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1284, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1284, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators San Buenaventura, English and Acasio.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Nakashima, Tam and Ward. Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 158 on H.B. No. 79

The purpose of this measure is to support affordable housing in Hawaii by:

- (1) Establishing an Affordable Homeownership Revolving Fund within the Hawaii Housing Finance and Development Corporation to provide loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects;
- (2) Authorizing the transfer of taxable general obligation bond proceeds and accrued interest from the Rental Housing Revolving Fund to the Affordable Homeownership Revolving Fund; and
- (3) Appropriating funds out of the Affordable Homeownership Revolving Fund.

Your Committee on Conference has amended this measure by:

- (1) Deleting language authorizing the transfer of taxable general obligation bond proceeds and accrued interest from the Rental Housing Revolving Fund to the Affordable Homeownership Revolving Fund;
- (2) Deleting language appropriating funds out of the Affordable Homeownership Revolving Fund;
- (3) Appropriating \$1,000,000 in American Rescue Plan Act funds for fiscal year 2022-2023 for the purpose of providing, in whole or in part, loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects;
- (4) Changing the effective date to July 1, 2021; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 79, 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. 79, H.D. 1, S.D. 2, C.D. 1.

Signed by the Speaker of the House of Representatives and Chairs on behalf of the Committee.

Senators Chang, Moriwaki and Kanuha. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Nakamura, Nishimoto, Hashimoto, Takumi and McDermott.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

Conf. Com. Rep. 159 on S.B. No. 1350

The purpose of this measure is to further defer:

- Salary increases for the executive and judicial branches for an additional eighteen months at the salary rate as of July 1, 2022;
 and
- (2) Planned raises for members of the Legislature for an additional two years at the rate as of June 30, 2020; provided that the salaries for legislators are adjusted to the January 1, 2023, rate as of that date; provided further that the salary recommendations for legislators on January 1, 2024, are also effective on that date.

Your Committee on Conference finds that, pursuant to section 26-56, Hawaii Revised Statutes, the Commission on Salaries submitted a report of its findings and its salary recommendations for the next six years to the Legislature in 2019. Your Committee on Conference notes that the recommended salary adjustments submitted by the Commission on Salaries become effective on July 1 of the following fiscal year. Your Committee on Conference believes that because of the economic downturn that has resulted from the coronavirus disease 2019 pandemic, implementation of the Commission on Salaries' recommendations to the salaries of the executive and judicial branches, and planned adjustments for the Legislature, should continue to be deferred.

Your Committee on Conference further finds that, in February 2011, the U.S. Census Bureau announced it will likely delay delivery of the 2020 census results to the fifty states by as much as six months or more. This will significantly delay the reapportionment of federal, state, and county districts by the Reapportionment Commission.

Your Committee on Conference recognizes that reapportionment should occur before a candidate for the 2022 election is issued a nomination paper to ensure that the candidate not only meets the residency requirements, but also collects signatures from voters in the correct district. Your Committee on Conference further notes that after experiencing delays in preparing the reapportionment plan following the 2010 census, the State of Hawaii 2011 Reapportionment Commission Final Report and Reapportionment Plan made recommendations to improve the reapportionment process for the future, which includes clarifying the definition of a "permanent resident" and streamlining public notice of the proposed, revised, and final reapportionment plans.

Your Committee on Conference addresses the Reapportionment Commission's recommendation to clarify the definition of a "permanent resident" by requiring only the extraction of non-permanent residents from the total population of the State as counted by the U.S. Census Bureau. Obtaining specific data, rather than estimates, should result in an actual count of non-residents; and thereby provide a count of the permanent resident population of the State. In addition, the streamlined form of notice for reapportionment

plans proposed by this measure is projected to result in significant cost savings, while also providing adequate notice to the public of the Reapportionment Commission's actions and the availability of the Reapportionment Plan and other related documents.

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

- (1) Inserting language that:
 - (A) Permits public notice in a short form for proposed, revised, and final reapportionment plans, subject to specific requirements;
 - (B) Temporarily amends the start date for the availability of nomination papers for the 2022 primary election;
 - (C) Defines "permanent resident" for reapportionment purposes; and
 - (D) Authorizes and appropriates funds to the Reapportionment 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 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. 1350, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1350, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Wakai, Rhoads and Lee.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Nakashima, Cullen, Belatti and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 160 on H.B. No. 613

The purpose of this measure is to:

- (1) Make an emergency appropriation for fiscal year 2020-2021 from elementary and secondary school emergency relief fund (ESSER funds) monies received by the State from the Coronavirus Aid, Relief, and Economic Security Act and the Coronavirus Response and Relief Supplemental Appropriations Act to offset any budget reductions that are identified or proposed by the department of education and the governor that would result in the reduction of personnel who are subject to a collective bargaining agreement pursuant to chapter 89, Hawaii Revised Statutes, and who are employed at the school level, including any budget reduction that would result in a layoff, furlough, or pay reduction;
- (2) Require the Board of Education and Superintendent of Education to certify in writing that the Board of Education, Superintendent, and Department of Education agree to certain conditions, including that the funds appropriated shall be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level in the classroom; and
- (3) Make an appropriation for fiscal years 2021-2022 and 2022-2023 from the same source of funding and with the same conditions.

Your Committee on Conference finds that states that received certain federal funds, including monies from the Elementary and Secondary School Emergency Relief Funds established by the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, 2020 (CARES Act), and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Public Law 116-260 (CRRSAA), are required to assure that they will maintain support for education programs during fiscal years 2019-2020 and 2020-2021 by meeting certain benchmarks. The State, through the Department of Education, must comply with the provisions of the federal Education Stabilization Fund as set forth in section 18006 of the CARES Act to receive and expend CARES Act and CRRSAA monies, which, in part, requires the Department of Education to continue to pay its employees. This measure will appropriate certain federal monies received by the State to the Department of Education to offset any budget reductions that have been identified or proposed by the Department of Education and the Governor, which would result in the reduction of personnel who are subject to a collective bargaining agreement and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction.

Your Committee on Conference has amended this measure by:

- (1) Removing language that appropriates CARES Act and CRRSAA monies to the Department of Education to offset certain education-related budget reductions;
- (2) Inserting language that appropriates out of the Coronavirus Response and Relief Supplemental Appropriations Elementary and Secondary School Emergency Relief Fund (ESSER2) appropriation amount of \$144,656,637 for the Department of Education to expend on certain education-related items;
- (3) Inserting language that appropriates out of the American Rescue Plan Elementary and Secondary Emergency Relief Fund (ESSER3) appropriation amount of \$412,328,764 for the Department of Education to expend on certain education-related items;
- (4) Inserting language that establishes conditions under which superintendents may receive pay raises; and

(5) Changing the effective date to upon its approval; provided that certain appropriation amounts made in section 2, paragraphs (12) through (14) and section 3 shall take effect on July 1, 2021.

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. 613, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 613, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Dela Cruz and Fevella.

Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Ichiyama, Luke, Eli, Kapela and Okimoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, 1 (Ichiyama).

Conf. Com. Rep. 161 on H.B. No. 1362

The purpose of this measure is to:

- (1) Establish the Hawaii Early Childhood Educator Stipend Program to address the shortage of early childhood educators;
- (2) Authorize the Department of Education to directly accept private funding for the purpose of establishing public prekindergarten programs, subject to certain conditions;
- (3) Provide that each early learning program and preschool program may use available classrooms for public preschool programs statewide:
- (4) Give priority for entering the preschool open doors program to children who miss the cutoff date to enter kindergarten;
- (5) Clarify and make adjustments to Act 46, Session Laws of Hawaii 2020, which relates to access to learning, including:
 - (A) Delaying the expansion of the Preschool Open Doors Program to serve three-year-old children to July 1, 2024;
 - (B) Extending the deadline for a service provider of the Preschool Open Doors Program to commence national accreditation by two years;
 - (C) Requiring the application of a uniform assessment for public school and charter school kindergarten students;
 - (D) Extending the effective date for the Department of Education and State Public Charter School Commission to share certain information on prior early learning program attendance to July 1, 2023; and
 - (E) Allowing educational data to be shared using an existing system; and
- (6) Appropriate funds for one full-time equivalent (1.0 FTE) position to coordinate, staff, and facilitate the implementation of Act 46, Session Laws of Hawaii 2020.

Your Committee on Conference has amended this measure by:

- Establishing a Hawaii Early Childhood Educator Special Fund and requiring stipend payments to be deposited into the Hawaii
 Early Childhood Educator Special Fund, rather than the Early Learning Special Fund, to be used to support the Hawaii Early
 Childhood Educator Stipend Program;
- (2) Providing that the Hawaii Early Childhood Educator Special Fund shall be abolished and repealed on June 30, 2023, and any unencumbered remaining balances shall lapse to the general fund;
- (3) Authorizing the Executive Office on Early Learning to accept federal funds to support the Hawaii Early Childhood Educator Stipend Program;
- (4) Clarifying that if the Department of Education accepts private funding for the purpose of establishing public prekindergarten programs:
 - (A) The Department of Education and the Executive Office on Early Learning shall sign a bilateral memorandum of agreement or understanding; and
 - (B) The Department of Education, the Executive Office on Early Learning, and the person or entity providing the private funding may sign a multilateral memorandum of agreement or understanding;
- (5) Providing that if the private funding received by the Department of Education to establish public prekindergarten programs is insufficient to maintain classroom operations of the public prekindergarten programs, the Department of Education and Executive Office on Early Learning are prohibited from requesting additional funding from the Legislature to pay for the remaining costs:
- (6) Requiring certain child care centers to be licensed by the Department of Human Services prior to accepting children into care;
- (7) Delaying the implementation of the application of the uniform assessment for public school and charter school kindergarten students to July 1, 2023;
- (8) Inserting an appropriation of \$98,000 for one full-time equivalent (1.0 FTE) position to coordinate, staff, and facilitate the implementation of Act 46, Session Laws of Hawaii 2020;

- (9) Changing the effective date to upon approval; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1362, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form att

ached hereto as H.B. No. 1362, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, San Buenaventura and Inouye.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Cullen and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 162 on H.B. No. 546

The purpose of this measure is to:

- (1) Require complex area superintendents to report directly to the Superintendent of Education; and
- (2) Make appropriations to implement a reorganization of the Department of Education that is informed by a 2015 reorganization chart prepared by the Department, which redistributes positions and dissolves:
 - (A) The Office of Strategy, Innovation, and Performance; and
 - (B) The Office of information Technology Services.

Your Committee on Conference finds that currently, the complex area superintendents report to the Deputy Superintendent of Education. There is a concern that the Superintendent of Education does not consistently communicate with or receive all feedback from the complex area superintendents. This measure will streamline communication between the complex superintendents and the Superintendent of Education.

Your Committee on Conference has amended this measure by:

- (1) Removing language appropriating funds for the Department of Education to implement the reorganization plan prepared by the Department;
- (2) Inserting language that requires the Department of Education's Office of Information Technology Services to submit a report to the Legislature providing an explanation of how the Office of Information Technology Services will be restructured in the next biennium;
- (3) Inserting language that the Department of Education's Office of Strategy, Innovation, and Performance to submit a report to the Legislature providing an explanation of how the Office of Strategy, Innovation, and Performance will be restructured in the next biennium:
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency; and
- (5) Changing the effective date to upon its approval.

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. 546, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 546, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Nakashima, Cullen and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 163 on H.B. No. 1376

The purpose of this measure is to provide a fair and balanced procedure for landlords and tenants to seek rental assistance and mediate and negotiate resolutions before landlords evict tenants. Specifically, this measure:

- Extends from five business days to fifteen calendar days the period for a notice of termination of a lease agreement for failure to pay rent;
- (2) Requires landlords to include certain content in the fifteen-calendar day notice;
- (3) Requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule a mediation;

- (4) Restricts when landlords may exercise remedies based on the number of days that have elapsed following the expiration of the Governor's final eviction moratorium and the amount of rent due;
- (5) Provides for the expungement and sealing of court records of eviction judgments for failure to pay rent that are entered during the one-year period following the expiration of the Governor's final eviction moratorium; and
- (6) Repeals the amendments made to the Residential Landlord-Tenant Code one year after the expiration of the Governor's final eviction moratorium.

- Specifying that the notice is to contain a statement that the mediation center will confirm the scheduled date and time of the mediation with the tenant and landlord;
- (2) Limiting the remedies a landlord may seek for a tenant's failure to pay rent to a summary proceeding for possession;
- (3) Allowing landlords to bring summary proceedings for possession beginning on the first day, rather than the third day, after the expiration date of the Governor's final eviction moratorium;
- (4) Deleting language that provided for the expungement and sealing of court records of eviction judgments;
- (5) Inserting appropriations to the counties from federal funds received pursuant to the American Rescue Plan Act of 2021 to contract for services permitted by this measure related to emergency rental assistance;
- (6) Changing the effective date to upon approval;
- (7) Specifying that the amendments to the Residential Landlord-Tenant Code made by this measure are to be repealed on December 31, 2022, or upon the one year anniversary of the expiration date of the final eviction moratorium identified by the Governor, whichever is sooner; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1376, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1376, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, English and Rhoads. Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Rhoads).

Representatives Johanson, Luke and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 164 on H.B. No. 264

The purpose of this measure is to:

- (1) Regulate the operations of transportation network companies in the State and establish a permitting process for these companies within the Department of Transportation; and
- (2) Make permanent the motor vehicle insurance requirements for transportation network companies and transportation network company drivers enacted by Act 236, Session Laws of Hawaii 2016.

Your Committee on Conference has amended this measure by:

- (1) Deleting language that would have established a regulation and permitting process for transportation network companies in the State;
- (2) Extending to September 1, 2023, the motor vehicle insurance requirements for transportation network companies and transportation network company drivers, rather than making the insurance requirements permanent;
- (3) Changing the effective date to upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 264, H.D. 1, S.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 264, H.D. 1, S.D. 3, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Baker and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Cullen and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 165 on H.B. No. 891

The purpose of this measure is to repeal the existing ban on electric guns and establish a regulatory framework for electric guns.

Your Committee on Conference has amended this measure by:

- (1) Removing unnecessary references to January 1, 2022, in the new statutory language proposed by this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 891, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 891, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Lee, Keohokalole and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, 1 (Fevella). Excused, none.

Representatives Johanson, Nakashima, Cullen and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 166 on H.B. No. 485

The purpose of this measure is to increase the amount of the rental motor vehicle surcharge tax.

Your Committee on Conference has amended this measure by:

- (1) Inserting language that, beginning January 1, 2022, and each subsequent year on January 1 until December 31, 2027, increases the rental motor vehicle surcharge tax by \$0.50;
- (2) Exempting the imposition of the rental motor vehicle surcharge tax for persons whose vehicles have been stolen and are unrecovered or will not be repaired due to total loss;
- (3) Changing the effective date to upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 485, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 485, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Inouye and English.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Aquino, Johanson, Cullen, Yamashita and Matsumoto.

Managers on the part of the House.

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

Conf. Com. Rep. 167 on H.B. No. 424

The purpose of this measure is to require all state agencies, when renting a vehicle on behalf of a state employee conducting official government business, to adopt a preference for renting electric vehicles or hybrid vehicles; provided that the vehicles are suitable for the specific travel requirements and available when needed.

Your Committee on Conference finds that Hawaii currently has over one million gasoline-powered vehicles on its roads, which emit nearly five million metric tons of climate-changing carbon pollution annually. Some of these vehicles are used by government employees in the performance of their duties. Your Committee on Conference notes that the intent of this measure is to ensure that electric vehicles and hybrid vehicles are offered to the State at market rates. Your Committee on Conference further finds that electric vehicles will play an important role in the State's clean energy future and meeting the goals set for Hawaii in reducing its greenhouse gas emissions. Your Committee on Conference believes that requiring state agencies to prioritize the rental of electric vehicles will put the agencies at the forefront of energy independence and greenhouse gas emissions reduction efforts.

Your Committee on Conference has amended this measure by changing the effective date to upon approval.

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. 424, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 424, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Baker and Kidani,

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Johanson, Wildberger and Ward. Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Johanson).

Conf. Com. Rep. 168 on H.B. No. 526

The purpose of this measure is to:

- (1) Define "past performance" with regard to contractors;
- (2) Require the State Procurement Office to implement and administer a past performance database by December 31, 2023, including adopting rules regarding the information to be included in the past performance database and procedures for informing contractors of, and permitting corrections or responses to, the information contained in the database;
- (3) Require procurement officers to consider specific factors when making contract awards, including past performance, when available; and
- (4) Appropriate funds for the development, implementation, and training for certain procurement resources tools, including a past performance guide and past performance database.

Your Committee on Conference finds that the State's procurement process requires clear legislative direction to award contracts to responsible bidders or offerors to increase accountability, enhance performance, and utilize taxpayer dollars more efficiently. Your Committee on Conference further finds that currently, some state contracts may be awarded to the lowest bidder without regard to that bidder's poor past performance, which may lead to these bidders being considered qualified despite their poor past performance and result in repeated inefficiencies and substandard work. Your Committee on Conference believes consideration of past performance of a bidder will offer another level of consideration and diligence in evaluating responsibility, provide additional insight to positively impact the award selection, enhance quality performance, and efficiently and effectively utilize taxpayer dollars.

Your Committee on Conference has amended this measure by:

- (1) Removing the appropriation;
- (2) Changing the effective date to upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 526, 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. 526, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Moriwaki, Kanuha and Chang. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Matayoshi, Wildberger and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 169 on H.B. No. 1296

The purpose of this measure is to:

- (1) Repeal the Hawaii Tobacco Prevention and Control Trust Fund on June 30, 2025;
- (2) Specify that the Hawaii Tobacco Settlement Special Fund monies shall only be deposited into the University Revenue-Undertakings Fund until July 1, 2033;
- (3) Prohibit any contract for the management of the Hawaii Tobacco Prevention and Control Trust Fund monies from extending beyond June 30, 2025; and
- (4) Transfer all unencumbered monies remaining in the Hawaii Tobacco Prevention and Control Trust Fund on June 30, 2025, to the general fund.

Your Committee on Conference has amended this measure by:

- (1) Establishing a \$4,300,000 expenditure cap on the Hawaii Tobacco Settlement Fund;
- (2) Requiring the Department of Health to provide a report to the legislature on the expenditure of monies in the Hawaii Tobacco Prevention and Control Trust Fund no later than twenty days prior to the convening of the Regular Sessions of 2022, 2023, 2024, 2025, and 2026;
- (3) Inserting an emergency appropriation to address budget shortfalls relating to payroll and other current expenses for the State Comprehensive Emergency Medical Services System;
- (4) Inserting an appropriation to fund and establish two permanent and five temporary full-time equivalent positions in the Office of the Governor;
- (5) Requiring all departments, including the University of Hawaii, to reimburse the State for the fringe benefit costs of employees whose positions are funded by a special fund, rather than the general fund;

- (6) Specifying that the cigarette tax revenues deposited to the credit of the Cancer Research Special Fund shall only be used for capital expenditures and only until July 1, 2041;
- (7) Ceasing deposits of cigarette tax revenues into the Emergency Medical Services Special Fund on July 1, 2021;
- (8) Establishing a Threat Assessment Team Program within Hawaii State Fusion Center of the Office of Homeland Security;
- (9) Inserting an appropriation to fund a statutorily established administrative assistant position in the Department of Human Resources Development;
- (10) Changing the effective date to July 1, 2021; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1296, 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. 1296, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Kim, Dela Cruz, San Buenaventura and Fevella.

Managers on the part of the Senate.

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

Representatives Yamane, Takayama, Luke and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 170 on H.B. No. 468

The purpose of this measure is to:

- (1) Temporarily suspend the requirement for public employers to make annual required contributions to the Hawaii Employer-Union Health Benefits Trust Fund through fiscal year 2024-2025; and
- (2) Require the Hawaii Employer-Union Health Benefits Trust Fund to:
 - (A) Examine and assess possible means to offset the future increase in the State's annual required contributions resulting from the temporary suspension, including the impacts of eliminating the state and county employers' obligations to reimburse Medicare Part B premiums to spouses of employee-beneficiaries who are hired after a specific future date; and
 - (B) Submit a report of its findings and recommendations, including any proposed legislation, to the Legislature prior to the convening of the Regular Session of 2022.

Your Committee on Conference has amended this measure by:

- (1) Temporarily suspending the requirement for public employers to make annual required contributions to the Hawaii Employer-Union Health Benefits Trust Fund for two fiscal years, rather than four;
- (2) Removing the requirements that the Hawaii Employer-Union Health Benefits Trust Fund examine and assess possible means to offset the future increase in the State's annual required contributions resulting from the temporary suspension and submit a report to the Legislature;
- (3) Changing the effective date to July 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 468, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 468, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Dela Cruz and Chang.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Onishi, Luke, D. Kobayashi and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 171 on H.B. No. 930

The purpose of this measure is to ensure that the Employees' Retirement System is not disadvantaged as a competitive investor by exempting the Employee's Retirement System from disclosing under the Uniform Information Practices Act, Chapter 92F, Hawaii Revised Statutes, certain types of alternative investment fund information.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

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. 930, 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. 930, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Keith-Agaran and Rhoads.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Onishi, Sayama and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 172 on H.B. No. 58

The purpose of this measure is to amend the estate and generation-skipping transfer tax, general excise tax, use tax, and conveyance

Specifically, the measure:

- (1) Temporarily reallocates conveyance tax revenues for purposes of paying the principal and interest of general obligation bonds;
- (2) Authorizes the issuance of general obligation bonds to be appropriated into and out of the land conservation fund and rental housing revolving fund;
- (3) Changes the estate tax exclusion to \$3,500,000 for decedents dying or taxable transfers occurring after June 30, 2021;
- (4) From July 1, 2021, through June 30, 2023, temporarily suspends certain general excise and use tax exemptions;
- (5) Provides a grandfathering provision from the suspension of general excise and use tax exemptions;
- (6) Requires information reporting for all general excise and use tax exemptions and exclusions; and
- (7) Increases conveyance tax rates for the sale of properties valued at \$4,000,000 or greater.

Your Committee on Conference finds that the intent of this measure is to make the State's tax structure more equitable and to generate funds to support critical services.

Your Committee on Conference has amended this measure by:

- Removing provisions that temporarily reallocate conveyance tax revenues for purposes of paying the principal and interest of general obligation bonds;
- (2) Removing provisions that authorize the issuance of general obligation bonds to be appropriated into and out of the land conservation fund and rental housing revolving fund;
- (3) Removing provisions that change the estate tax exclusion to \$3,500,000 for decedents dying or taxable transfers occurring after June 30, 2021;
- (4) Applying the suspension of general excise and use tax exemptions to the period beginning January 1, 2022, and ending December 31, 2023;
- (5) Removing from the list of suspended general excise tax exemptions:
 - (A) A general excise tax exemption related to high technology research and development grants;
 - (B) A general excise tax exemption related to the refining of petroleum products; and
 - (C) A general excise tax exemption related to shipbuilding and ship repairs;
- (6) Maintaining current conveyance tax rates for the sale of commercial properties; and
- (7) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

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. 58, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 58, H.D. 1, S.D. 1, C.D. 1.

Signed by the Speaker of the House of Representatives and Chairs on behalf of the Committee.

Senators Dela Cruz, Kidani, Moriwaki and Wakai.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Tarnas, Nakamura, Luke, Hashimoto and McDermott.

Managers on the part of the House.

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

Conf. Com. Rep. 173 on H.B. No. 774

The purpose of this measure is to:

- (1) Establish a Pulehunui Community Development District to redevelop, renovate, and improve public lands in Pulehunui, Maui;
- (2) Amend the composition and duties of the Hawaii Community Development Authority;
- (3) Establish Community Development District Authority Boards to govern each of the community development districts; and
- (4) Reassign certain powers and duties from the Hawaii Community Development Authority to the Community Development District Authority Boards.

- (1) Modifying the manner in which Community Development District Authority Board members are appointed and the term of the director of planning and permitting member;
- (2) Making the Director of Finance, Director of Transportation, and Director of the Office of Planning, or their designees, voting members of the Community Development District Authority Boards and the Hawaii Community Development Authority and making their terms on each board run concurrently with their official terms of office;
- Adding as members of the Hawaii Community Development Authority two at-large members with expertise in urban planning, infrastructure, or financing;
- (4) Granting the Hawaii Community Development Authority exclusive power to make and alter bylaws for the organization and internal management of itself and District Authority Boards;
- (5) Removing the requirement that in making the initial appointments to the Community Development District Authority Boards, the Governor must strive to retain each existing member of the Hawaii Community Development Authority and place them on a Community Development District Authority Board;
- (6) Requiring all rules, policies, procedures, guidelines, and other materials adopted or developed by the Hawaii Community Development Authority prior to July 1, 2022, that implement provisions of the Hawaii Revised Statutes to remain in full force and effect until amended or repealed;
- (7) Requiring all actions taken by the Hawaii Community Development Authority prior to July 1, 2022, to remain in full force and effect until amended or repealed;
- (8) Changing the effective date of certain portions of this measure to July 1, 2021, and all other portions to July 1, 2022; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 774, 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. 774, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Inouye and Moriwaki. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Tarnas, Yamashita and McDermott.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 174 on H.B. No. 1348

The purpose of this measure is to:

- (1) Establish the Stadium Development Special Fund in chapter 109, Hawaii Revised Statutes;
- (2) Provide for the abolishment of the Stadium Special Fund;
- (3) Revise the general development guidance policies for the Stadium Development District and clarify the respective roles of the Stadium Authority and Hawaii Community Development Authority in the development of the Stadium Development District;
- (4) Broaden the powers and duties of the Stadium Authority, including authorizing the Stadium Authority to acquire and hold title to real property;
- (5) Exempt land to which the Stadium Authority holds title from the definition of "public lands";
- (6) Authorize the Stadium Authority, with approval from the Governor, to delegate to other state agencies implementation of capital improvement projects, under certain conditions;
- (7) Add two members to the Stadium Authority, including the President of the University of Hawaii, or the President's designee, who will serve as a voting member of the Stadium Authority;
- (8) Amend the general bond authorization made by Act 268, Session Laws of Hawaii 2019;
- (9) Allow the Stadium Authority, with the approval of the Governor, to delegate to other state agencies the implementation of projects when it is determined advantageous to do so by the Stadium Authority as the original expending agency and the other state agency to which expending authority is to be delegated; and
- (10) Make the financial disclosures of members of the Stadium Authority public records.

- (1) Amending the boundary descriptions of the areas to be represented by certain members of the Stadium Authority;
- (2) Making the President of the University of Hawaii a nonvoting member of the Stadium Authority;
- (3) Removing the exemption of the Stadium Authority from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes, in establishing or amending fees or charges that generate receipts for deposit into the Stadium Development Special Fund;
- (4) Removing the proposed special facilities powers of the Stadium Authority under chapter 206E, Hawaii Revised Statutes, to assist in the development of projects under the control of other public agencies;
- (5) Authorizing the Stadium Authority to transfer funds to implement projects delegated to other state agencies, under certain circumstances;
- (6) Removing the authorization of the Director of Finance to issue general obligation bonds in the sum of \$180,000,000 and removing the appropriation of funds to the Stadium Authority for the Stadium Development District;
- (7) Changing its effective date to upon its approval; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

It is the intent of your Committee on Conference that the rights and benefits of current civil service employees shall not be diminished or impaired, including but not limited to their rights to collective bargaining and civil service employment. However, the Stadium Authority has the flexibility to hire upper-management positions that are exempt from chapters 76 and 89, Hawaii Revised Statutes.

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. 1348, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1348, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Inouye, Dela Cruz, Misalucha and Fevella.

Managers on the part of the Senate.

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

Representatives Tarnas, Luke, Yamashita and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 175 on H.B. No. 499

The purpose of this measure is to authorize the Board of Land and Natural Resources to extend certain commercial, industrial, resort, mixed-use, or government leases that have not been assigned or transferred within the last ten years for lessees who commit to making substantial improvements to the existing improvements.

Your Committee has amended this measure by changing its effective date to upon its approval.

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. 499, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 499, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Keith-Agaran, Misalucha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, 1 (Fevella). Excused, none.

Representatives Tarnas, Johanson, Cullen and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 176 on H.B. No. 469

The purpose of this measure is to address the management of certain non-agricultural park lands under the control of the Department of Land and Natural Resources by:

- (1) Requiring the Department of Agriculture to inquire about any easements needed by the Department of Land and Natural Resources before offering a lease;
- (2) Requiring the Department of Land and Natural Resources and Department of Agriculture to meet and identify by mutual agreement the non-agricultural park lands under the jurisdiction of the Department of Land and Natural Resources and in agricultural use that should remain under the jurisdiction of the Department of Land and Natural Resources;
- (3) Requiring non-agricultural park lands under the jurisdiction of the Department of Land and Natural Resources and in agricultural use and not identified pursuant to paragraph (2) to be placed under the Department of Agriculture's jurisdiction;

- (4) Requiring the Department of Land and Natural Resources and Department of Agriculture to meet at least every five years to discuss transferring the remaining lands;
- (5) Requiring the Department of Land and Natural Resources to report to the Legislature on its meetings with the Department of Agriculture regarding the progress and status of transferring non-agricultural park lands; and
- (6) Authorizing the Board of Land and Natural Resources to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes that the Department of Land and Natural Resources and Department of Agriculture are responsible for promoting.

- (1) Deleting its contents and establishing a working group to:
 - (A) Ascertain the process and status of the transfer of 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, and chapter 166E, Hawaii Revised Statutes, regarding non-agricultural park lands; and
 - (B) Determine the challenges and potential remedies necessary to facilitate the process of fulfilling the purposes of Act 90, Session Laws of Hawaii 2003; and
- (2) Changing its effective date to upon its approval.

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. 469, 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. 469, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Gabbard, Kanuha, Rhoads and Fevella.

Managers on the part of the Senate.

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

Representatives Tarnas, Cullen and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 177 on H.B. No. 1142

The purpose of this measure is to:

- (1) Allocate 3 cents of the environmental response, energy, and food security tax, also known as the barrel tax, to fund the installation of electric vehicle charging systems; and
- (2) Establish an Electric Vehicle Charging System Subaccount within the Public Utilities Commission Special Fund.

Your Committee on Conference has amended this measure by:

- (1) Amending the preamble to emphasize the urgent need for electric vehicle infrastructure;
- (2) Clarifying that the \$1,000,000 ceiling for the Public Utilities Commission Special Fund shall not apply to the Electric Vehicle Charging System Subaccount;
- (3) Appropriating \$100,000 into and out of the Electric Vehicle Charging System Subaccount for the Electric Vehicle Charging System Rebate Program;
- (4) Authorizing each county to adopt ordinances to enforce section 291-71, Hawaii Revised Statutes, including the establishment of penalties for failure to comply with the requirements of that section or maintain electric vehicle charging systems in working order;
- (5) Establishing penalties for parking any vehicle in a parking space equipped with an electric vehicle charging system while not actively charging;
- (6) Beginning January 1, 2022, requiring new electric vehicle charging systems installed pursuant to the electric vehicle charging system requirement to be at least Level 2 and network-capable;
- (7) Requiring electric vehicle charging systems to be maintained in working order;
- (8) Clarifying that certain enforcement officers may enter private property to enforce electric vehicle parking space violations;
- (9) Inserting a savings clause;
- (10) Changing the effective date to July 1, 2021, and removing the sunset date; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1142, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1142, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Lee, Wakai and Inouye.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Lowen, Johanson, Marten and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 178 on H.B. No. 185

The purpose of this measure is to appropriate funds for the operating and capital improvement costs of the Judiciary for fiscal biennium beginning July 1, 2021, and ending June 30, 2023.

Your Committee on Conference has amended this measure by inserting appropriate operating and capital amounts for fiscal biennium 2021-2023.

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. 185, 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. 185, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Dela Cruz and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nakashima, Luke and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 179 on H.B. No. 204

The purpose of this measure is to appropriate funds for fiscal biennium 2021-2023 operating budget of the Office of Hawaiian Affairs.

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. 204, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 204, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Shimabukuro, Dela Cruz, Keohokalole and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Nakashima, Luke and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 180 on H.B. No. 200

PART I. OVERVIEW

This measure, as received, includes:

- (1) The base budget from Act 9, Session Laws of Hawaii (SLH) 2020;
- (2) The addition of previously appropriated collective bargaining amounts in prior acts;
- (3) The adjustment amounts necessary to fulfill the Employees' Retirement System, Employer-Union Health Benefits Trust Fund, debt service, and Medicaid requirements for the 2021-2023 biennium;
- (4) The reduction of non-recurring amounts identified in the 2020 and 2021 executive budget worksheets issued by the Legislature; and
- (5) Various reductions for critical government services.

Your Committee on Conference has amended this measure to include:

- (1) The approved executive requests for trade-offs, transfers, changes to means of financing, conversions of positions from temporary to permanent, ceiling increases or decreases, and reductions;
- (2) Additional funding for critical government services;
- (3) Appropriations of American Rescue Plan Act of 2021 funds; and
- (4) Adjustments to meet federal Maintenance of Effort requirements.

	Fiscal Year 2021-2022		Fiscal Year 2022-2023	
	All Funds	General Funds	All Funds	General Funds
Executive Budget Act 9, SLH 2020	\$15,672,211,865	\$8,026,960,067	\$15,672,211,865	\$8,026,960,067
Executive Budget Request	\$15,416,743,597	\$7,685,972,117	\$15,521,316,276	\$7,798,266,153
Net Change in Conference Draft	\$229,056,855	(\$602,042,663)	(\$410,576,386)	(\$525,767,306)
Total Appropriation	\$15,901,268,720	\$7,424,917,404	\$15,261,635,479	\$7,501,192,761

PART II. GENERAL FUND REVENUES AND ECONOMY

The Council on Revenues increased its general fund tax revenue projection at both its January 2021 and March 2021 meetings.

When the Council met, their forecast assumed the passage of the \$1.9 trillion Federal stimulus bill (the American Rescue Plan Act of 2021). The Council's forecast also assumed that Hawaii's economy will continue to open up steadily without significant regulatory restrictions and shutdowns affecting businesses and individuals, and that travel restrictions will continue to become more relaxed and visitor arrival numbers will return to relatively normal levels in the near future.

The Council's fiscal year 2021 forecast considered and discussed the fiscal impacts of the delay in the income tax filing deadline from April 2020 to July 2020, which resulted in a shift of approximately \$308 million from fiscal year 2020 to fiscal year 2021 and the adverse impact on tax collections due to businesses affected by the 2020 pandemic shutdown and restrictions. The Council acknowledged that economic activity continues its upward trajectory since the last shutdown in September 2020. In addition, the Council discussed the impacts of the American Rescue Plan Act of 2021 that it expected to be passed in March 2021 and the taxation of benefits received from Unemployment Insurance and the Pandemic Unemployment Assistance (PUA) program.

The Council acknowledged that the coronavirus disease 2019 (COVID-19) continues to represent a serious risk to public health and the State's economy. Future tax revenues are highly dependent on the trajectory of the virus, new variants, the availability and efficacy of vaccines, rapid low-cost testing, and the state, county, and federal governments' ability to manage health risks while at the same time supporting economic activities. Given the prominent role of tourism in Hawaii's economy, the number of visitors to the State will have major impacts on the economy and tax collections. The Council recognized that international visitor arrivals may lag domestic visitor arrivals since certain other countries are behind the United States in their vaccination programs.

The new forecasts for the state general fund tax revenues for fiscal year 2021 through fiscal year 2027 are shown in the table below:

General Fund Tax Revenues

Amount (in Thousands of Dollars)	Growth From Previous Year
\$6,527,438	-2.5%
\$6,788,536	4.0%
\$7,060,077	4.0%
\$7,342,480	4.0%
\$7,599,467	3.5%
\$7,865,448	3.5%
\$8,140,739	3.5%
	\$6,527,438 \$6,788,536 \$7,060,077 \$7,342,480 \$7,599,467 \$7,865,448

PART III. OPERATING BUDGET

Your Committee on Conference has worked diligently to create a responsible financial plan that includes a budget that continues to fund critical services and programs. The conference draft approach to balancing the budget included considering the Council on Revenues' General Fund Forecast, allocating federal funds received from the American Rescue Plan Act of 2021, implementing revenue enhancements, sweeping excess special funds to the general fund, and strategic restructuring, reductions and cuts.

American Rescue Plan Act of 2021

Given the significant constriction of state revenues, your Committee on Conference had the daunting task of balancing the state budget. Your Committee on Conference strategically allocated American Rescue Plan Act of 2021 (ARPA), Public Law 117-2, funds to retain critical services and provide for various other one-time costs. Numerous federal requirements, restrictions, and limitations were placed on how ARPA funds could be spent by the states. With limited guidance from the Department of Budget and Finance and the federal government, your Committee on Conference carefully allocated those funds based on the guidance available.

The Conference Draft of the executive budget includes the following amounts in ARPA funds:

- (1) \$160,020,792 in fiscal year 2022 and \$153,659,250 in fiscal year 2023 to repay a working capital loan;
- (2) \$252,391 in fiscal year 2022 and \$5,091,175 in fiscal year 2023 to repay the federal unemployment insurance loan interest payable to ensure it does not become a long-term financial burden;
- (3) \$700,000,000 in fiscal year 2022 to repay the unemployment insurance loan principal to ensure it does not become a long-term financial burden:

- (4) \$32,315,400 in each fiscal year for the operations of the Hawaii Health Systems Corporation hospitals statewide;
- (5) \$11,585,000 in fiscal year 2022 and \$8,923,000 in fiscal year 2023 for Maui Health System operating subsidy;
- (6) \$2,383,931 in fiscal year 2022 for Family Health Services and perinatal support services;
- (7) \$1,500,000 in fiscal year 2022 for Senior Centers' contracted services;
- (8) \$6,180,433 in fiscal year 2022 for staffing at the Hawaii State Hospital's new forensics unit;
- (9) \$345,000 in each fiscal year for Health Resources Administration;
- (10) \$307,775 in fiscal year 2022 and \$635,350 fiscal year 2023 for Worker's Compensation Claims to comply with Workers' Compensation Law (Chapter 386) and its related rules and regulations;
- (11) \$275,000 in fiscal year 2022 for Unemployment Insurance Benefits to be in compliance with Section 383-62(b) Hawaii Revised Statutes;
- (12) \$875,000 in fiscal year 2022 for Rapid Ohia Death Response to protect an important cultural and ecological mainstay;
- (13) \$120,000 in each fiscal year for the Native Resources and Fire Protection Program;
- (14) \$1,200,000 in fiscal year 2022 to fund economic analysis at the University of Hawaii Economic Research Organization;
- (15) \$4,000,000 in each fiscal year for Economic Planning and Research;
- (16) \$11,000,000 in each fiscal year for Convention Center operations;
- (17) \$1,000,000 in fiscal year 2022 to support a Sea Urchin Hatchery working to properly care and restore an important part of the local ecosystem and economy;
- (18) \$2,548,290 in fiscal year 2022 for Conservation and Resources Enforcement;
- (19) \$431,937 in each fiscal year for the Disability Compensation Program for the Disability Compensation Program's modernization project;
- (20) \$70,000,000 in fiscal year 2022 and \$35,000,000 in fiscal year 2023 for the Unemployment Insurance Program Call Center to more efficiently provide unemployment insurance services;
- (21) \$9,700,000 in each fiscal year for centralized vacation payout statewide;
- (22) \$5,400,000 in fiscal year 2022 to maintain general assistance payments and help prevent homelessness and increase health and safety for unemployable individuals with disabilities;
- (23) \$500,000 in fiscal year 2022 for the Rental Supplement Program (RSP) to maintain the current assistance to low-income families:
- (24) \$832,500 in each fiscal year to retain in-community youth programs to allow for continued services;
- (25) \$520,000 in each fiscal year for operations at the Hawaii Youth Correctional Facility;
- (26) \$134,000 in fiscal year 2022 and \$1,137,000 in fiscal year 2023 for KOLEA maintenance and operations; and a superaction of the contraction of the contraction
- (27) \$14,300,000 in each fiscal year for homeless services, including the Housing First Program, Rapid Re-Housing Program, Family Assessment Centers, Homeless Outreach and Civil Legal Services, and the Stored Property and Debris Removal Program.

Your Committee on Conference worked diligently to meet the proportional maintenance of effort funding requirements established under ARPA. Many hours were spent to ascertain accurate appropriations to the University of Hawaii, Department of Education, and all other state departments. The federal maintenance of effort requirements mandate the State to provide proportional funding in fiscal years 2022 and 2023 to elementary and secondary education, and higher education relative to overall state funding over fiscal years 2017, 2018, and 2019. The State faced economic hardships engendered by the COVID-19 pandemic. Your Committee on Conference presents a budget that meets the MOE.

The Conference Draft of the executive budget also appropriates Elementary and Secondary School Emergency Relief (ESSER) funds to maintain personnel previously identified by the Executive branch for reduction and to maintain the Office of Strategy, Innovation and Performance.

Strategic Reorganizations, Consolidations, and Restructuring

Your Committee on Conference believes it is important to continuously evaluate the structure of government and identify efficiencies and reduce duplication. Where applicable, government agencies should be working with each other to provide services to Hawaii's residents. With that in mind, and incorporating each department's executive budget requests, your Committee on Conference reduced vacant positions, changed means of financing for certain programs, and restructured, eliminated, or consolidated departments and programs to align with the State's goals and priorities and achieve greater effectiveness and efficiencies.

The Conference Draft of the executive budget makes the following major adjustments:

(1) Consolidates the Land Use Commission, the Office of Environmental Quality Control, and the Office of Planning into a new budget program retitled as the Office of Planning and Sustainable Development;

- (2) Transfers 10.00 permanent positions from the Department of Labor and Industrial Relations' Research and Statistics Office (LBR901) to Economic Planning and Research (BED130) to consolidate research and statistics functions;
- (3) Transfers 2.00 permanent and 5.00 temporary positions from the Hawaii Tourism Authority (BED113) Tourism Research Office to Economic Planning and Research (BED130) to further consolidate research functions;
- (4) Creates new program IDs and transfers personnel and funds to Hawaii Army and Air National Guard (DEF116) and Hawaii Emergency Management Agency (DEF118) from Amelioration of Physical Disasters (DEF110);
- (5) Transfers the Department of Education's Office of Information Technology Services from State Administration (EDN300) to School Support (EDN400);
- (6) Creates a new program ID and transfers the UH Cancer Center from UH Manoa (UOH100) to UH Cancer Center (UOH115);
- (7) Transfers and consolidates 7.00 permanent positions, \$6,500,000 in federal funds, and \$464,372 in general funds from the Workforce Development Council to the Workforce Development Division to retain the positions while consolidating the duties into a single office;
- (8) Converts positions and programs funded by the Agricultural Development and Food Security Special Fund and the Agricultural Loan Reserve Fund to general funds in coordination with HB1298 and HB1299;
- (9) Converts 68.00 permanent positions in the Department of Agriculture's Plant Industry Division to the Pest Inspection, Quarantine, and Eradication Fund;
- (10) Converts 6.00 temporary positions in the Agribusiness Development Corporation from the Hawaii Agricultural Development Revolving Fund to general funds; and
- (11) Converts the Conservation and Resources Enforcement Special Fund, which receives funds from the Boating Special Fund, to general funds.

Your Committee on Conference understands that there are many competing needs that the State must address. Your Committee on Conference recognizes the State's role in overseeing and managing a range of services for our kupuna; addressing issues surrounding homelessness; investing in the development of affordable housing; funding early learning and kindergarten through grade twelve education, early college programs, and the Hawaii Promise program; and scaling alternative education and trauma informed care programs statewide.

The Conference Draft of the executive budget includes the following major adjustments:

- (1) Changing means of financing from \$2,687,824 in general funds to \$2,687,824 in federal funds for Kupuna Care and Aging Disability Resource Center;
- (2) Adding \$50,000,000 in revolving funds to Environmental Management Branch for Sewerage;
- (3) Adding \$3,200,000 in special funds in both fiscal years for Developmental Disabilities' Medicaid Waiver Administrative Claiming Special Fund;
- (4) Restoring \$3,110,946 in general funds for fiscal year 2022 for the Native Resources and Fire Protection Program to ensure proper care for the local environment;
- (5) Adding \$1,459,440 in general funds for 30.00 permanent Conservation and Resource Enforcement Officers to ensure proper protection and coverage for lands under their jurisdiction;
- (6) Adding \$771,980 in general funds for 12.00 unfunded permanent positions for Conservation and Resources Enforcement;
- (7) Restoring 6.00 permanent positions and funds for the Office of the Civil Rights Commission to provide proper legal counsel for the State's marginalized communities;
- (8) Restoring \$1,043,780 in general funds for the Office of Community Services to provide essential services to communities;
- (9) Restoring \$5,000,000 for the Harbors Division Special Maintenance Projects to ensure a continuation of construction related projects;
- (10) Adding \$24,111,848 in special funds for fiscal year 2022 and \$24,911,848 in special funds for fiscal year 2023 for Daniel K. Inouye International Airport to ensure the airport is in proper working condition as travel begins to reopen;
- (11) Restoring funds for sex abuse treatment, which would have had evening and weekend services eliminated under the proposed executive budget;
- (12) Funding the Tax System Modernization, providing greater effectiveness, efficiency, and automation;
- (13) Increasing ceiling for the Compliance Resolution Fund to allow for repairs needed for the King Kalakaua building;
- (14) Increasing ceiling for the Compliance Resolution Fund to allow for funds to be used for data integration across various divisions and departments;
- (15) Increasing ceiling for Compliance Resolution Fund to allow for funds to be used for the 5th VX Rail Server for UH Data Center which hosts DCCA virtual servers and maintains IT security;
- (16) Adding funds for childcare payments and childcare block grant to maintain the level of services and care currently being provided;

- (17) Restoring Hilo Youth Challenge Academy, a community-based program that leads, trains, and mentors youth so that they may become productive citizens;
- (18) Adding \$250,000 for a proof-of-concept for the High Core Program, \$611,450 and 7.00 permanent positions for Papahana 'O Kaiona Alternative Learning Center (ALC), and \$3,000,000 in fiscal year 2022 and \$6,000,000 in fiscal year 2023 to expand Alternative Learning Programs across the State;
- (19) Adding \$676,222 in fiscal year 2022 for the Crime Victim Compensation Program; and
- (20) Restoring \$30,326,848 in fiscal year 2022 and \$35,926,848 in fiscal year 2023 of University of Hawaii program review reductions across all programs.

PART IV. CAPITAL IMPROVEMENTS PROGRAM BUDGET

Your Committee on Conference finds an opportunity to invest in the State's infrastructure while remaining fiscally prudent.

The Administration requested a capital improvement budget that totaled:

ADMINISTRATION	FY 2022	FY 2023
General Obligation Bonds	\$679,393,000	\$512,128,000
All Means of Financing	\$1,236,328,000	\$1,116,254,000

Your Committee on Conference has amended this budget to appropriate the following in capital improvement funds:

CONFERENCE	FY 2022	FY 2023
General Obligation Bonds	\$984,796,000	\$294,105,000
American Rescue Plan Act Funds	\$110,109,000	\$-
All Means of Financing	\$1,756,366,000	\$929,231,000

The projects funded are for critical infrastructure throughout the State.

The Conference Draft invests a substantial amount in projects improving and enhancing accessibility for rural communities, especially public schools and libraries to support virtual operations and distance learning:

- \$14,163,000 in American Rescue Plan Act Funds and General Obligation Bond Funds for broadband and technology improvements for Hawaii Department of Education Schools, Statewide.
- (2) \$25,000,000 in American Rescue Plan Act Funds for broadband and technology improvements for Hawaii State Public Libraries, Statewide.
- (3) \$26,589,000 in American Rescue Plan Act Funds for ventilation improvements for Schools and Libraries, Statewide.

The draft provides \$458,428,000 in funding for school facilities and \$311,690,000 for the University of Hawaii system:

- (1) \$179,290,000 for improvements for University of Hawaii Statewide.
- (2) \$121,000,000 for improvements for University of Hawaii Community Colleges, Statewide.
- (3) \$3,500,000 for improvements for University of Hawaii at West Oahu.
- (4) \$10,900,000 for University of Hawaii at Hilo.

Your Committee on Conference also allocates \$65,250,000 for public hospital facilities, and \$21,250,000 for improvements for Intensive Care Units and COVID Care Units, Statewide.

The Conference Draft also increases to \$53,000,000 in Fiscal Year 2022 and \$25,000,000 in Fiscal Year 2023 for Department of Hawaiian Home Lands Projects, Statewide.

Your Committee on Conference further authorizes \$493,880,000 for Airports, \$224,907,000 for Harbors, and \$493,008,000 for Highways.

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. 200, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 200, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran, English, Inouye, Kanuha, Kidani, Moriwaki, Shimabukuro, Taniguchi, Wakai and Fevella. Managers on the part of the Senate.

Ayes, 11. Noes, none. Excused, none.

Representatives Luke, Branco, Cullen, Eli, Holt, Ilagan, B. Kobayashi, Marten, Nishimoto, Perruso, Sayama, Tam, Wildberger, Yamashita and McDermott.

Managers on the part of the House.

Ayes, 12. Noes, none. Excused, 3 (Branco, Marten, McDermott).

Conf. Com. Rep. 181 on H.B. No. 53

The purpose of this measure is to authorize the issuance of general obligation bonds and to make the constitutionally-required findings that the bond issuance will not cause the state debt limit to be exceeded.

Your Committee on Conference finds that in accordance with Article VII, section 13, of the Hawaii 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, will not cause the debt limit to be exceeded at the time of issuance.

Your Committee on Conference has amended this measure by:

- (1) Inserting the appropriate dollar amounts throughout the measure as provided by the Department of Budget and Finance;
- (2) Updating the dates and measure numbers cited in the measure;
- (3) Changing the effective date to upon its approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 53, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 53, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keith-Agaran, Kanuha, Wakai and Fevella. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives Luke, Cullen and McDermott. Managers on the part of the House. Ayes, 2. Noes, none. Excused, 1 (McDermott).

Conf. Com. Rep. 182 on S.B. No. 628

The purpose of this measure is to:

- (1) Commence the transfer of the Oahu Regional Health Care System in its entirety from the Hawaii Health Systems Corporation to the Department of Health, beginning with the transfer of the Oahu Regional Health Care System's budget into the Department of Health;
- (2) Enable the Oahu Regional Health Care System, Department of Health, Hawaii Health Systems Corporation, and other state agencies to implement the processes and transactions required to effectuate the completion of the transition;
- (3) Require the Department of Health to consult with the University of Hawaii regarding services provided at Leahi Hospital and Maluhia, and allow University of Hawaii students to rotate through those facilities for training purposes;
- (4) Authorize the Department of Health to pay rent to the University of Hawaii for the use of the Leahi Hospital property at a rate and on terms to be negotiated between the Department of Health and the University of Hawaii;
- (5) Clarify the rights, powers, and exemptions held by the Oahu Regional Health Care System during the transition period and the rights, powers, and exemptions held by the Inpatient Services Division of the Department of Health following completion of the transfer of the Oahu Regional Health Care System;
- (6) Appropriate moneys from the mental health and substance abuse special fund to expand and operate programs at Leahi Hospital and Maluhia that are mutually advantageous to the Department of Health, the Oahu region, and the State; and
- (7) Authorize the issuance of general obligation bonds and appropriate the proceeds of the bonds for improvements at Leahi hospital and Maluhia.

Your Committee on Conference finds that the Hawaii Health Systems Corporation comprises five semi-autonomous health care regions within the State, one of which is the Oahu Regional Health Care System. However, the Oahu Regional Health Care System is unique because of the limited services its facilities, Leahi Hospital and Maluhia, provide. Your Committee on Conference finds that rather than serving the general population, Leahi Hospital and Maluhia serve primarily long-term care and Medicaid patients and thus operate as de facto safety-net social services. Because the Department of Health operates the Hawaii State Hospital, a facility that does not generate revenue but provides necessary care for mentally ill patients, the Department of Health can better operate Leahi Hospital and Maluhia. This measure commences the transfer of the Oahu Regional Health Care System from the Hawaii Health Systems Corporation to the Department of Health.

Your Committee on Conference has amended this measure by:

- Removing language granting the Director of Health sole decision-making authority over all corporation board matters concerning the Oahu Regional Health Care System during the transition period;
- (2) Clarifying that any transfer of real property pursuant to paragraph (a)(5) of section 323F-7.6, Hawaii Revised Statutes, shall be made to the Department of Land and Natural Resources;
- (3) Removing references to specific budget program codes;

- (4) Requiring the transfer of positions and class specifications of the Oahu Regional Health Care System to the Department of Health to be completed no later than December 31, 2022;
- (5) Removing language authorizing the Inpatient Services Division of the Department of Health to develop policies and procedures for the procurement of goods and services for two years following the completion of the transition;
- (6) Adding members who shall serve in a consultative capacity to the working group;
- (7) Requiring the working group to develop a comprehensive business plan in addition to a transfer framework that shall include:
 - (A) A five-year pro forma operating plan and budget for Leahi Hospital and Maluhia; and
 - (B) A ten-year pro forma capital improvement plan and budget for the continuing operation of Leahi Hospital and Maluhia;
- (8) Requiring the working group's report to the Legislature to include the five- and ten-year pro forma plans, proposed legislation, and timeline of necessary major milestones to complete the transfer;
- (9) Requiring that the transition of employee positions and payroll be approved by the Director of Human Resources Development and Comptroller;
- (10) Removing language authorizing the issuance of general obligation bonds and appropriating proceeds of the bonds for improvements at Leahi Hospital and Maluhia;
- (11) Inserting an appropriation amount of \$200,000 from the mental health and substance abuse special fund for the formulation of a comprehensive business and transition plan;
- (12) Inserting an appropriation amount of \$16,320,700 from the funds received by the State of Hawaii from the American Rescue Plan Act of 2021, Public Law 117-2 (Section 9901) to transfer the Oahu Regional Health Care System in its entirety from the Hawaii Health Systems Corporation to the Department of Health;
- (13) Changing the effective date to July 1, 2021;
- (14) Changing the effective date for part II of this measure to December 31, 2022;
- (15) Removing the effective dates for parts VI and VIII of this measure;
- (16) Amending part I of this measure to reflect its amended purpose; and
- (17) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 628, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 628, S.D. 2, H.D. 2, C.D. 1.

Signed by the Senate President and Chairs on behalf of the Committee.

Senators Keohokalole, Baker, Dela Cruz, Kim, San Buenaventura and Fevella.

Managers on the part of the Senate.

Ayes, 5. Noes, none. Excused, 1 (Baker).

Representatives Yamane, Onishi, Luke and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 183 on H.B. No. 1297

The purpose of this measure is to:

- (1) Require each department to submit program measures, cost element, and accounting reports for all non-general funds to the Legislature by November 1 of each year;
- (2) Specify that the cigarette tax revenues deposited to the credit of the Cancer Research Special Fund shall only be used for capital expenditures and only until July 1, 2041;
- (3) Cease deposits of cigarette tax revenues into the Emergency Medical Services Special Fund on July 1, 2021;
- (4) Subject certain special funds to deductions for central service expenses;
- (5) Statutorily establish the Cancer Research Center of Hawaii and establish lines of reporting and other administrative and funding provisions relating to the Cancer Research Center of Hawaii;
- (6) Limit the uses of funds expended from the Tuition and Fees Special Fund and Research and Training Revolving Fund; and
- (7) Require the University of Hawaii to provide an annual, rather than a semi-annual, report to the Legislature on the Hawaii Cancer Research Special Fund.

The intent of the Legislature is to fund amounts requested by Governor's Message Numbers 7, 8, and 9, and to fund any remaining Employer-Union Trust Fund agreements ratified after April 23, 2021.

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

- (1) Deleting its contents and inserting language that amends House Bill No. 200, H.D. 1, S.D. 1, C.D. 1 (Regular Session of 2021) to appropriate general funds for statewide collective bargaining costs;
- (2) Changing the effective date to upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1297, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1297, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs and Senate President on behalf of the Committee.

Senators Keohokalole, Kim, Dela Cruz, San Buenaventura, Fevella and Taniguchi.

Managers on the part of the Senate.

Ayes, 6. Noes, none. Excused, none.

Representatives Yamane, Takayama, Luke and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 184 on H.B. No. 862

The purpose of this measure is to:

- (1) Abolish the Office of Aerospace Development, Aerospace Advisory Committee, and the Hawaii Unmanned Aerial Systems Test Site Advisory Board;
- (2) Transfer administration of the Pacific International Space Center for Exploration Systems from the Department of Business, Economic Development, and Tourism to the University of Hawaii at Hilo;
- (3) Transfer the administration of and the budget for the Challenger Center Hawaii Program from the Office of Aerospace Development to the Department of Education;
- (4) Prohibit holdover board members of the Hawaii Tourism Authority;
- (5) Specify that monies in the Tourism Emergency Special Fund are to be used exclusively for emergency measures that directly relate to safety and security initiatives;
- (6) Require that the 3.5 percent cap on spending from the Tourism Special Fund include all governance and employment expenses, organization-wide costs, and a protocol fund, as administrative expenses;
- (7) Repeal the allocation from the transient accommodations tax to the Tourism Special Fund and Tourism Emergency Special Fund:
- (8) Repeal the Hawaii Tourism Authority's authorization to establish an advisory group;
- (9) Require the State and local workforce development boards to develop written conflict of interest policies;
- (10) Require the Governor to fix the compensation for the Hawaii Workforce Development Council's Executive Director and require the Department of Labor and Industrial Relations to provide support staff;
- (11) Clarify the employment of professional staff by the Public Utilities Commission;
- (12) Transfer Hawaiian cultural duties and responsibilities from the Hawaii Tourism Authority to the State Foundation on Culture and the Arts:
- (13) Mandate that the Hawaii Tourism Authority collaborate with the State Foundation on Culture and the Arts for its visitor industry marketing; and
- (14) Appropriate funds.

Your Committee on Conference has amended this measure by:

- (1) Deleting language that would have prohibited holdover board members of the Hawaii Tourism Authority;
- (2) Deleting language that would have transferred Hawaiian cultural duties and responsibilities from the Hawaii Tourism Authority to the State Foundation on Culture and the Arts;
- (3) Deleting language that would have mandated that the Hawaii Tourism Authority collaborate with the State Foundation on Culture and the Arts for marketing purposes;
- (4) Deleting language that would have specified that monies in the Tourism Emergency Special Fund are to be used exclusively for specific emergency measures;
- (5) Deleting language that would have required that the 3.5 percent cap on spending from the Tourism Special Fund include specific types of administrative expenses;
- (6) Reverting to existing statutory language that authorizes the Hawaii Tourism Authority to establish an advisory group;
- (7) Reverting to existing statutory language that allocates a portion of the transient accommodations tax into the Tourism Emergency Special Fund;

- (8) Deleting language that would have required state and local workforce development boards to develop written conflict of interest policies;
- (9) Deleting language that would have required the Governor to fix the compensation for the Hawaii Workforce Development Council's Executive Director and require the Department of Labor and Industrial Relations to provide support staff;
- (10) Deleting language that would have clarified the employment of professional staff by the Public Utilities Commission;
- (11) Deleting language that would have transferred and appropriated funds for three permanent full-time equivalent (3.0 FTE) positions from the Hawaii Tourism Authority to the State Foundation on Culture and the Arts;
- (12) Deleting language that would have appropriated \$4,000,000 in general funds to the Hawaii Tourism Authority;
- (13) Authorizing the counties to establish, by ordinance, a county transient accommodations tax at a rate not to exceed three percent;
- (14) Decreasing the transient accommodations tax allocation to the Convention Center Enterprise Special Fund from \$16,500,000 to \$11,000,000;
- (15) Repealing the transient accommodations tax allocation to the counties;
- (16) Effective January 1, 2022, repealing the Tourism Special Fund and making conforming amendments and removing certain compensation package limits for the President and Chief Executive Officer of the Hawaii Tourism Authority;
- (17) Deleting language that would have authorized the Hawaii Tourism Authority to conduct market development-related research as necessary:
- (18) Repealing the Hawaii Tourism Authority's exemption from the Hawaii Public Procurement Code;
- (19) Appropriating \$60,000,000 out of the funds received by the State from the American Rescue Plan Act, Public Law 117-2, section 9901, for the Hawaii Tourism Authority;
- (20) Removing the severability clause;
- (21) Changing the effective date to July 1, 2021; and
- (22) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 862, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 862, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs and Senate President on behalf of the Committee (Senate President signed "with reservations" for Co-Chair Baker).

Senators Wakai, Kim, Dela Cruz, Baker, Misalucha and Fevella.

Managers on the part of the Senate.

Ayes, 5. Noes, 1 (Fevella). Excused, none.

Representatives Quinlan, Onishi, Luke and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

Conf. Com. Rep. 185 on H.B. No. 1281

The purpose of this measure is to:

- (1) Establish a three-year transfer of certain duties, functions, and powers relating to emergency medical services for the City and County of Honolulu from the Department of Health to the City and County of Honolulu, beginning July 1, 2021;
- Require individuals acting as dispatchers in the State to obtain emergency medical dispatch certification by July 1, 2026, and maintain certification thereafter;
- (3) Clarify the Department of Health's requirements related to the statewide emergency aeromedical program;
- (4) Authorize an annual distribution of \$3,500,000 from the Emergency Medical Services Special Fund to any county operating a county emergency medical services system, beginning with fiscal year 2021-2022;
- (5) Appropriate general funds to the City and County of Honolulu for emergency medical services for fiscal years 2021-2022 and 2022-2023;
- (6) Appropriate monies from the Emergency Medical Services Special Fund to the City and County of Honolulu for fiscal years 2021-2022 and 2022-2023; and
- (7) Phase out funding from general revenues for emergency medical services in the City and County of Honolulu before July 1, 2024.

Your Committee on Conference has amended this measure by:

(1) Removing the general fund appropriation;

- (2) Inserting an appropriation of \$84,257,043 for fiscal year 2021-2022 and \$46,990,131 for fiscal year 2022-2023 from funds received by the State from the American Rescue Plan Act, Public Law 117-2 (Section 9901), to the Department of Health for the operation of the statewide emergency medical services and injury prevention system; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1281, 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. 1281, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keohokalole, Dela Cruz, Rhoads, Moriwaki and Fevella. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, 1 (Rhoads).

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

STANDING COMMITTEE REPORTS

SCRep. 1 Labor, Culture and the Arts on S.B. No. 1159

The purpose and intent of this measure is to provide relief to employers contributing to the State Unemployment Compensation Trust Fund (UCTF) and expedite the State's economic recovery from the disruptions caused by the coronavirus disease 2019 (COVID-19) pandemic by amending the rates and method by which employer contributions are computed, as follows:

- (1) Setting the employer contribution rate schedules for calendar years 2021, 2022, and 2023 at schedules D, F, and G, respectively; and
- (2) Allowing the Director of Labor and Industrial Relations to modify the annual contribution rate computation method for all employers for calendar years 2020 and 2021, by omitting from the calculation, benefits charged against their accounts.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; ABTS Wholesale, Inc., ABTS PK Inc., and ABTS HV, Inc., dba Angels By The Sea Hawaii; Hawaii Food Industry Association; Hawaii Petroleum, LLC; Honolulu Japanese Chamber of Commerce; International Longshore and Warehouse Union, Local 142; Maui Chamber of Commerce; and Parents and Children Together. Your Committee received testimony in opposition to this measure from the Kona-Kohala Chamber of Commerce; Retail Merchants of Hawaii, Inc.; Warren W. Gibson III, LLC, dba Warren & Annabelle's; and five individuals. Your Committee received comments on this measure from Tax Foundation of Hawaii; A.V.S. Audio Visual Services Hawaii, Corp.; Chamber of Commerce of Hawaii; Cyanotech Corporation; Diamond Head Dental Care Corp.; FishHopper LLC; GM Construction, Inc.; Hawaii Automobile Dealers' Association; Hawaiian Humane Society; Industrial Battery Solutions, LLC; Layout Etc., Inc.; Lisa L. Wong, M.D., Inc.; Michael A. McMann, M.D., LLC, dba McMann Eye Institute; Maui Adventure Group, Inc. dba The Snorkel Store; Metzler Contracting Co. LLC; Premier Title and Escrow, Inc.; ProService Pacific, LLC dba ProService Hawaii; Society for Human Resource Management (Hawaii Chapter); Sofasogood Learning Preparatory & The Reading Tutor, Inc., dba Corvid Academy & Performing Arts; Woo's Electrical LLC; and seventeen individuals.

Your Committee finds that the computation of an employer's UCTF contribution rate is computed once a year using the employer's classification, which is determined based on the employer's actual experience in the payment of contributions and benefits charged against their accounts; and one of eight contribution rate schedules (A through H) that is in effect for the year, which is determined based on the relationship between the most recent current reserve fund and the most recent adequate reserve fund.

Your Committee finds that the UCTF, which had a reserve of \$607.5 million as of November 2019, was depleted in June 2020, due to the extraordinary increase in Hawaii's unemployment rate caused by the COVID-19 pandemic. Consequently, the State received a \$700 million loan from the federal government as federal unemployment insurance advances under Title XII of the Social Security Act to continue payment of unemployment benefits.

Your Committee further finds that due to the depletion of the UCTF, by statute the applicable contribution rate schedule for calendar years 2021, 2022, and 2023, will be at Schedule H, the highest statutory rate.

Your Committee finds that to provide relief to contributory employers and help expedite the State's economic recovery from the disruptions caused by the COVID-19 pandemic, it is necessary to apply lower contribution rate schedules for calendar years 2021, 2022, and 2023, from Schedule H to Schedules D, E, and F, respectively; and allow the Director of Labor and Industrial Relations to modify the annual contribution rate computation method for all employers for calendar years 2021 and 2022, by omitting from the calculation, benefits charged against the employers' accounts.

Your Committee acknowledges that S.B. No. 682, Regular Session of 2021, has a similar content to this measure with even lower contribution rate schedules, Schedules C, D, and E, for calendar years 2021, 2022, and 2023, respectively. Your Committee finds the schedules under this measure provides a more balanced approach. First, the lowest contribution rate under Schedules C and D are zero percent and 0.2 percent, respectively. Therefore, under Schedule C, there will be employers who will not be contributing to the UCTF at all, whereas under Schedule D, all contributory employers will share the weight in replenishing the UCTF and re-establishing the fund's integrity. Second, and more importantly, your Committee finds that the lower contribution rates in S.B. No. 682 may have a detrimental impact to Hawaii employers in the long term. According to the Department of Labor and Industrial Relations, if the State is not able to repay the federal Title XII advances by November 10, 2022, Hawaii employers will be required to make payments toward the outstanding federal loan balance in the form of a federal unemployment insurance (FUTA) credit reduction, which will increase the FUTA taxes employers must pay. Specifically, Hawaii employers will lose 0.3 percent of their FUTA credit each year after 2022 when there is an outstanding balance on Hawaii's Title XII advances. Therefore, the longer it takes for the UCTF to be replenished, the longer Hawaii employers will be required to pay higher FUTA taxes. If the contribution rate schedules in this measure are applied, the insolvency of the UCTF after five years will be under \$1 billion. The UCTF insolvency under the rate schedules in S.B. No. 682 will be significantly higher at \$1.6 billion. Therefore, your Committee finds that the rate schedules under this measure offer a more prudent approach for Hawaii employers in the long term.

Your Committee has amended this measure by:

- (1) Authorizing the Director of Labor and Industrial Relations to modify the annual contribution rate computation method for calendar years 2021 and 2022, rather than calendar years 2020 and 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of 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 concurs with the intent and purpose of S.B. No. 1159, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1159, 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 (Ihara).

SCRep. 2 Agriculture and Environment on S.B. No. 128

The purpose and intent of this measure is to appropriate monies for the development and implementation of a pesticide subsidy program until June 30, 2026, to assist coffee growers with offsetting the cost of purchasing fungicides that combat coffee leaf rust.

Your Committee received testimony in support of this measure from the University of Hawai'i at Manoa, College of Tropical Agriculture and Human Resources; Konalicious Organic Coffee LLC; Konaloha Farms; Hawai'i Farm Bureau; Rancho Aloha; Hawaii Coffee Association; Kona Perfect; Kona Coffee Farmers Association; Synergistic Hawaii Agriculture Council; Huahua Farm; and two individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that to date, *Hemileia vasatrix* (coffee leaf rust) has been identified in Holualoa, Hawaii; Haiku, Maui; and on Lanai. If left untreated, researchers estimate losses between thirty percent and eighty percent per year. Your Committee further finds that there are a limited number of contact fungicides available to treat coffee leaf rust. Though costly, systemic fungicides are needed to provide greater resistance and suppression for active infections of coffee leaf rust. The cost of the fungicide provided to the Department of Agriculture is estimated at \$27.89 per acre. Fungicides must be applied twice a year for successful control, doubling the cost to \$55.78 per acre annually. At the initial reimbursement rate of seventy-five percent for the first two years of the program, the \$900,000 allocation will provide approximately 21,500 acres with protection from coffee leaf rust. Therefore, your Committee finds that the fungicide subsidy program in the Department of Agriculture is needed to assist coffee growers with offsetting the costs of purchasing certain pesticides known to be effective against coffee leaf rust.

Your Committee notes that Act 152, Session Laws of Hawaii 2015, extended by Act 32, Session Laws of Hawaii 2018, established a pesticide subsidy program with nearly three hundred participating coffee farmers throughout Hawaii. The new fungicide subsidy program supported by the pesticide use revolving fund would require a new fungicide subsidy program manager to be established.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 128, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 128, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 3 Agriculture and Environment on S.B. No. 179

The purpose and intent of this measure is to:

- (1) Transfer portions of the East Kauai Irrigation System operated and maintained by the East Kauai Water Users' Cooperative as of July 1, 2021, 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:
- (2) Stipulate that the East Kauai Irrigation System will not be governed by chapters 167 and 168, Hawaii Revised Statutes, until it is transferred to the appropriate program; and
- (3) 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 Agriculture; Department of Land and Natural Resources; County of Kaua'i; SR Hawaii; Kulana Association of Unit Owners; Larry Jefts Farms, LLC; Hawai'i Farm Bureau; Ulupono Initiative; East Kauai Water Users' Cooperative; Saiva Siddhanta Church; Kalepa Koalition; and six individuals.

Your Committee finds that the East Kauai Irrigation System services more than twelve thousand five hundred 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, the system services more than one thousand 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. Further, the Department of Land and Natural Resources does not have the resources and expertise to function as a water delivery provider, which could be inconsistent with its mission of natural, cultural, recreational, and historical resource management of protection.

Moving forward, the Department of Land Natural Resources' 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 has amended this measure by:

- Amending the reference date to determine the portions of the East Kauai Irrigation System being transferred to the Department of Agriculture from portions operated and maintained by the East Kauai Water Users' Cooperative as of July 1, 2021, to as of December 14, 2020;
- (2) Expanding the parties that the Department of Agriculture may enter into any contracts with necessary to bill and collect any fees and to operate and maintain the system;
- (3) Replacing the provision regarding all fees collected by the East Kauai Water Users' Cooperative with all fees collected from the water users of the East Kauai Irrigation System;
- (4) Adding the condition that all fees collected shall be deposited into the State's general fund until such times that the adoption of rules pursuant to chapter 91, Hawaii Revised Statutes, is completed or until the system can be operated and maintained appropriately pursuant to chapters 167 and 168, Hawaii Revised Statutes, at which time the fees will be deposited into the appropriate fund, if applicable;
- (5) Establishing the following positions within the Department of Agriculture's Agricultural Resource Management Division contingent on the date on which the system becomes a state irrigation system pursuant to chapter 91, Hawaii Revised Statutes:
 - (A) One full-time equivalent (1.0 FTE) irrigation district manager position;
 - (B) Three full-time (3.0 FTE) irrigation system worker II positions; and
 - (C) One full-time equivalent (1.0 FTE) office assistant III position; 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. 179, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 179, 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. 4 Agriculture and Environment on S.B. No. 339

The purpose and intent of this measure is to:

- Clarify that a taxpayer can claim the important agricultural land qualified agricultural cost tax credit in the third taxable year
 after application for first-year certification of the credit, rather than in any taxable year after incurring qualified agricultural
 costs; and
- (2) Extend the expiration of the important agricultural land qualified agricultural cost tax credit from December 31, 2021, to December 31, 2030.

Your Committee received testimony in support of this measure from the Department of Agriculture, Agribusiness Development Corporation, Office of Planning, Land Use Research Foundation of Hawaii, Hawai'i Farm Bureau, Ulupono Initiative LLC, and Kamehameha Schools. Your Committee received comments on this measure from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee finds that article XI, section 3, of the Hawaii State 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 claimed over a three-year period to help offset costs related to establishing and sustaining viable agricultural operations on important agricultural lands that play a significant role in increasing local food self-sufficiency. Your Committee acknowledges that the State's precarious financial situation due to the coronavirus disease 2019 (COVID-19) pandemic has necessitated a three year-delay for landowners or farmers who are still waiting for potential designations of important agricultural lands by the Land Use Commission.

Your Committee has amended this measure by:

- (1) Indicating in the preamble that the important agricultural land qualified agricultural cost tax credit is claimed over a three-year period, and that the State's precarious financial situation necessitates a three-year delay for a landowner or farmer of designated important agricultural lands to claim the important agricultural land qualified agricultural cost tax credit;
- (2) Making it applicable to taxable years beginning after December 31, 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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 339, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 339, 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. 5 Agriculture and Environment on S.B. No. 336

The purpose and intent of this measure is to authorize the Chairperson of the Board of Agriculture to approve agricultural and aquacultural loans in a requested amount not to exceed \$50,000, rather than \$25,000.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawai'i Farm Bureau, Ulupono Initiative LLC, and one individual.

Your Committee finds that under existing law the Chairperson of the Board of Agriculture may approve agricultural loans up to \$25,000. The Chairperson's approval authority of \$25,000 has not increased since it was originally authorized in 1982. Since that time, the costs and speed of business have increased significantly.

Your Committee further finds that access to agricultural loan resources in a timely and streamlined manner benefits local farmers and researchers. In calendar year 2020, forty percent of loans approved were for \$25,000 and sixty percent of the loans approved were for amounts less than \$25,000, indicating an intense need for faster small loan approval decisions. This measure will expedite the approval of small loans for farmers and ranchers by increasing the loan ceiling to \$50,000 to allow for more funds to be dispersed via fewer loans, which reduced overall costs and time expended by 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 is in accord with the intent and purpose of S.B. No. 336 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. 6 Education on S.B. No. 144

The purpose and intent of this measure is to:

- (1) Establish a one-year school supply subsidy pilot program at Naalehu elementary school; and
- (2) Make an appropriation.

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

Your Committee finds that Title I, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, provides federal financial assistance to local educational agencies and schools with high percentages of children from low-income families to help ensure educational success. Your Committee further finds that a pilot program to subsidize school supplies for schools composed entirely of students eligible for participation in Title I would be a useful pilot to identify methods for relieving the financial burden of education on low-income families.

Your Committee finds that Naalehu elementary school is a school composed entirely of students eligible for participation in Title I, as many students who attend Naalehu elementary school live in rural areas and experience geographical challenges such as limited opportunities and isolation from educational resources. This measure will establish a school supply subsidy pilot program at Naalehu elementary school, which will provide teachers, staff, and administrators with the resources to provide students with a more successful learning environment.

Your Committee has amended this measure by inserting a blank appropriation amount.

Your Committee notes that that although the appropriation is blank, your Committee on Ways and Means should consider the proper appropriation amount for the one-year school supply subsidy pilot program at Naalehu elementary school.

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. 144, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 144, 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. 7 Education on S.B. No. 220

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 knowledge of local community issues and concerns though community service volunteer work.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i Education Caucus, Common Cause Hawaii, Hawaii Youth Services Network, Green Party Hawai'i, and sixteen individuals. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that learning through community service volunteering activities, known as service-learning, is a powerful instructional strategy for improving the educational performance of students. Your Committee further finds that students who participate in service-learning experience numerous positive outcomes, including a positive development of character, values,

self-esteem, civic responsibility, and knowledge of local community issues and concerns; higher academic achievement; higher attendance rates; a greater sense of civic responsibility; greater acceptance of cultural diversity; increased awareness of cultural difference; positive attitudes toward helping others; greater social competency; lower dropout rates; lower disciplinary rates; and lower rates of engagement in behaviors that lead to arrest or pregnancy. This measure will implement a mandatory service-learning curriculum for students, which will help to build positive community attitudes and relationships among youths.

Your Committee has amended this measure by specifying that another purpose of the service-learning curriculum is to develop financial literacy.

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. 220, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 220, 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. 8 Education on S.B. No. 247

The purpose and intent of this measure is to:

- (1) Establish a pilot program to generate revenue through the lease of public library lands to meet the mission of the public libraries:
- (2) Establish the library facilities fund; and
- (3) Require the State Librarian and Board of Education to report to the Legislature.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Hawaii State Public Library System.

Your Committee finds that it has been almost fifty years since all Hawaii State Public Library System properties have been reviewed. Your Committee further finds that a comprehensive planning study would greatly assist the Hawaii State Public Library System in identifying properties for the pilot program and developing a strategic plan for its long-term needs. This measure establishes a pilot program that will allow the Hawaii State Public Library System to work with the Board of Education on leasing public library land to generate income necessary to fulfill its missions.

Your Committee has amended this measure by:

- (1) Replacing references to the Board of Education with the Department of Education for the pilot program for lease of public library land; 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. 247, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 247, 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. 9 Agriculture and Environment on S.B. No. 341

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 Ku-A-Kanaka LLC; Hawai'i Alliance for Progressive Action; Hawaii Food Industry Association; Hawai'i Farm Bureau; Supersistence; Food+ Policy Internship; Hawai'i SEED; and thirty-eight individuals. Your Committee received comments on this measure from the Department of Agriculture; Department of the Attorney General; Department of Taxation; Tax Foundation of Hawaii; and two individuals.

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 identify 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. 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 also finds that tax relief measures allow farmers to build structures, reinvest in their farms and businesses, and offer more attractive opportunities for the next generation to engage in taro farming, perpetuating important cultural practices and additional food security measures. This measure creates stronger economic incentives for new taro farmers, improve the livelihoods for existing taro farmers, and reduce the cost of poi for local families by exempting taro production from state income taxes for the first \$100,000 of income derived from taro, taro products, and land used to produce taro if the total amount of land used to cultivate taro in Hawaii does not exceed thirty thousand acres at any point in the year.

Your Committee has amended this measure by:

- (1) Removing the requirement that the tax exemption be limited to preparations of taro, poi, and value-added taro products exclusively made from taro grown in the State;
- (2) Clarifying the parties and their activities that would qualify for income tax exclusion;
- (3) Adding definitions for "persons engaged in taro production", "poi mill", "taro corm", and "taro huli";

- (4) Inserting language to indicate that the first \$100,000 of a person's income from the business of taro cultivation or production is excluded from their gross income for Hawaii income tax purposes;
- (5) Stipulating that the exclusion shall not apply if the Department of Agriculture determines that the thirty thousand acre threshold has been met;
- (6) Allowing the Department of Taxation to consult with the Office of Hawaiian Affairs in the administration of the tax exemption; 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. 341, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 341, 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. 10 Agriculture and Environment on S.B. No. 478

The purpose and intent of this measure is to encourage and support the growth of new, small, and diversified farming businesses by excluding from the State income tax the lesser of a percentage of gross annual income or an amount of gross annual income earned by a farmer from farming activities.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association, Hawai'i Farm Bureau, Ulupono Initiative LLC, and two individuals. Your Committee comments on this measure from the Department of Agriculture, Department of the Attorney General, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that Hawaii imports far more goods and services than it exports, thus creating a significant negative trade flow. Your Committee additionally notes that the growth of small, diversified farming businesses will add to and diversify Hawaii's economy and encourage more local food production. A partial tax exclusion for such businesses will not significantly affect existing tax revenue by the State, but will strengthen the State's economy, and improve the long-term economic well-being of the State as a whole.

Your Committee further finds that of Hawaii's seven thousand farmers, including all business entities, approximately nine percent earn more than seventy-five percent of their total household income from farming. By creating an exclusion from income tax for the lesser of a percentage of gross annual income or an amount of gross annual income earned by farmers for farming activities, this measure will help Hawaii address the imbalance in agricultural trade and significantly expand food production in the State.

Your Committee has amended this measure by:

- (1) Amending the definition of "farmer" and "farm products"; 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. 478, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 478, 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. 11 Agriculture and Environment on S.B. No. 496

The purpose and intent of this measure is to:

- (1) Establish an agricultural import replacement task force to identify the top ten fruits or vegetables that are imported into the State but may be commercially grown in the State; and
- (2) Create the agricultural import replacement income tax credit to incentivize the production of those fruits or vegetables to obviate the need to import them into the State.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Food Industry Association; Ulupono Initiative LLC; Hawaiii Farm Bureau, and Supersistence. Your Committee received comments on this measure from the Department of Taxation, University of Hawaiii System, and Tax Foundation of Hawaii.

Your Committee finds that the House of Representatives' COVID Subcommittee on Agriculture and Foodstream reported that about eighty-five to ninety percent of Hawaii's food is imported, which makes the State particularly vulnerable to disruptions in shipping and the food supply. Replacing just ten percent of the food imported into the State would amount to approximately \$313,000,000, or \$94,000,000 at the farmgate, assuming a thirty percent farm share. Considering the multiplier effects, the \$313,000,000 would generate an estimated economywide impact of \$188,000,000 in sales, \$47,000,000 in earnings, \$6,000,000 in state tax revenue, and more than two thousand three hundred jobs.

Your Committee further finds that food import replacement can also have a significant impact on Hawaii's economy by decreasing the risk of introducing harmful invasive pests, which could have devastating effects on the State's agricultural economy and its fragile ecosystems and require millions in public dollars to fund eradication or containment. Therefore, your Committee finds that identification of new food crops and creating incentives to grow such crops are necessary to improve Hawaii's economy, food security, and assist in reaching the State's local food production goals.

Your Committee has amended this measure by:

- (1) Amending the membership of the task force by:
 - (A) Removing a representative from the University of Hawaii Economic Research Office;
 - (B) Adding a representative from the University of Hawaii College of Tropical Agriculture and Human Resources;
 - (C) Adding a representative from the Hawaii Farmers Union United; and
 - (D) Adding a representative from the local food distribution industry; 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. 496, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 496, 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. 12 Agriculture and Environment on S.B. No. 497

The purpose and intent of this measure is to create a manufacturing development income tax credit to incentivize the food manufacturing industry in the State.

Your Committee received testimony in support of this measure from the Hawaiian Chip Company, LLC; Chamber of Commerce Hawaii; Diamond Bakery Co., Ltd.; Spicy Ninja Sauce LLC; Hawaii Food Industry Association; Hawaii Farm Bureau; Ulupono Initiative LLC; Punahele Provisions, PBC; Retail Merchants of Hawaii; and one individual. Your Committee received comments on this measure from the Department of Agriculture; Department of Taxation; Hawaii Technology Development Corporation; and Tax Foundation of Hawaii.

Your Committee finds that the food manufacturing industry in Hawaii can help the State's food security by strengthening the link between farmers and other agricultural producers and Hawaii's small businesses that process raw fruits, vegetables, grains, meats, and dairy products into finished goods ready for the grocer or wholesaler to sell to households, restaurants, or institutional food services. Act 215, Session Laws of Hawaii 2015, created the manufacturing development program which aids manufacturing businesses in the State through grants. Every new manufacturing job created adds another 1.6 jobs to the local service economy, and for every dollar in manufacturing sales, another \$1.34 is added to the economy. Thus, investments in manufacturing can have a stronger impact than investments in other economic sectors. Your Committee finds that this measure establishes income tax credits for expenditures made to purchase food manufacturing equipment, train employees to use food manufacturing equipment, and improve the energy efficiency of operations to help fuel manufacturing in Hawaii, grow the agriculture economy, and provide more products for both local consumption and export.

Your Committee has amended this measure by making it applicable to taxable years beginning after December 31, 2021, to allow the Department of Taxation the 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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 497, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 497, 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. 13 Education on S.B. No. 242

The purpose and intent of this measure is to:

- (1) Require public and charter schools to offer education in computer science; and
- (2) Require annual reports from the Department of Education.

Your Committee received testimony in support of this measure from the State Public Charter School Commission, HawaiiKidsCAN, Code.org, Hawaii'i Society for Technology in Education, and sixteen individuals. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that the economic disruption caused by the global coronavirus disease 2019 (COVID-19) pandemic has illustrated a need to diversify Hawaii's economy beyond tourism. The pandemic has also shown the importance of digital literacy, particularly as applied to distance learning, telehealth appointments, and working from home.

Your Committee further finds that the economic disruption has increased the focus on computer science education as a key driver of both economic growth and digital literacy. A computer science pipeline can help to diversify Hawaii's economy away from tourism and into cybersecurity, green energy, robotics, and other technology-based fields. This measure will require schools to offer education in computer science, which will provide students with a knowledge in technology so that they may capitalize on growing opportunities in the computer science industry in the future.

Your Committee has amended this measure by:

(1) Specifying that the definition of "computer science" is to align with the national definition of "computer science" by Allen Tucker:

- (2) Clarifying that the annual report shall be submitted by the Department of Education and broken down by complex areas; 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. 242, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 242, 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. 14 Education on S.B. No. 463

The purpose and intent of this measure is to:

- (1) Authorize the Department of Education to develop programs to encourage the development of gardens on school property; and
- (2) Authorize the Hawaii Community Development Authority to develop programs that provide incentives to establish gardens in housing projects, communities, and schools.

Your Committee received testimony in support of this measure from the Hawai'i Farm Bureau and two individuals. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that garden programs have the potential to strengthen partnerships between state agencies, improve access to healthy food options, and increase consumption of locally grown fruits and vegetables by Hawaii's youth and community members. Your Committee further finds that garden programs develop healthy food systems and reinforce positive nutrition behaviors that will reduce the risk for chronic diseases such as obesity, heart disease, diabetes, high blood pressure, and some cancers. Therefore, your Committee believes that supporting garden programs in schools, housing projects, and communities will promote public interest by encouraging proper eating habits, supporting local agriculture, and fostering interest in gardening among students and adults alike.

Your Committee has amended this measure by:

- (1) Specifying that the growing of edible and native Hawaiian plants shall be made a priority in school gardens; 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. 463, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 463, 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. 15 Education on S.B. No. 224

The purpose and intent of this measure is to:

- (1) Give a preference to students who live within the service area of a school or who enrolled in the school the previous school year in applying for participation in a career and technical education program offered by that school; and
- (2) Establish enrollment in a career and technical education program as a new exception to the requirement to attend school within the service area in which a student resides.

Your Committee received testimony in support of this measure from the Hawaii State Teacher's Association and one individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that a gap exists between the skills that students in the State have upon graduation from high school and the skills that employers in the State are seeking. Business leaders in Hawaii's expanding industries report that it is often difficult to recruit local applicants who have necessary skills and experiences. Your Committee further finds that educational programs specializing in career readiness and technical skills can be effective in preparing students in Hawaii to enter the State's job market. Educational initiatives at schools within the State have been established to develop students' technical skills and prepare them to enter the workforce. This measure supports those students who want to receive career and technical skills education, which will prepare students to become members of the modern workforce.

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. 224 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. 16 Hawaiian Affairs on S.B. No. 211

The purpose and intent of this measure is to require that the Hawaiian language version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs and eight 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 Office of the Attorney General.

Your Committee finds that the Hawaiian language (olelo Hawaii) is the native language and speech of Hawaii. Beginning in 1846, the Kingdom of Hawaii's legislature declared that all laws enacted were to be published in both Hawaiian and English. However, by 1850, English had become the language of business, diplomacy, and the government, leading to disputes between the use of languages in Hawaii's laws. In multiple court cases, the Hawaii Supreme Court has upheld the supremacy of Hawaiian language as the governing law. In *Hardy v. Ruggles*, the Hawaii Supreme Court held that "where there is a radical and irreconcilable difference between the English and Hawaiian language, the latter must govern, because it is the language of the country." The Kingdom of Hawaii and Territory of Hawaii published all their laws both in Hawaiian and English until 1943 when the practice of publishing laws in Hawaiian was abolished by statute.

Your Committee further finds that the Hawaii State Constitutional Convention of 1978 added Hawaiian as an official language to the State Constitution to "give full recognition and honor to the rich cultural inheritance that Hawaiians have given to all ethnic groups of this State." Article XV, Section 4, of the Hawaii State Constitution provides:

"English and Hawaiian shall be the official languages of Hawaii except that Hawaiian shall be required for public acts and transactions as provided by law."

Although Hawaiian was established as an official language of the State of Hawaii through this constitutional amendment and codified in section 1-13, Hawaii Revised Statutes, English continues to be predominate and Hawaiian language access to government functions remains limited. In *In re Ross*, the Hawaii Supreme Court held that "though the Hawaiian language is the original language of [Hawaii], the English language is largely in use." This measure, therefore, reinforces the parity of Hawaiian language with the English language by requiring Hawaiian for public acts and transactions and ensuring that laws drafted in Hawaiian shall be binding over English translations.

Your Committee has heard the testimony of the Department of the Attorney General that this measure could create due process and vagueness issues. Amending section 1-13, Hawaii Revised Statutes, to allow for a version of statute to supersede the English version may lead to ambiguities in the application and interpretation of laws. Your Committee also notes concerns over whether case law concerning the precedence of Hawaiian language over English should be overridden or controlling. Your Committee finds that these issues raise concerns that merit further consideration and requests that your Committee on Judiciary further examine those issues and concerns raised by the testifiers on this measure.

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. 211, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 211, 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 (Ihara).

SCRep. 17 Hawaiian Affairs on S.B. No. 238

The purpose and intent of this measure is to require the names of the candidates for the Office of Hawaiian Affairs Board of Trustees to be placed on the ballot grouped 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 one individual. Your Committee received comments on this measure from the Office of Elections, Common Cause Hawaii, and one individual.

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 to ensure that all candidates are properly listed, which corresponds to the voting position for the vote counting system. 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. A candidate listed first on a ballot increases their chances of winning by almost five percentage points and going from last to first on the ballot raises a candidate's vote share by ten percentage points. 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 individualized ballots.

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 Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 238, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 238, 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 (Ihara).

SCRep. 18 Hawaiian Affairs on S.B. No. 195

The purpose and intent of this measure is to:

- (1) Amend the process for electing the members to the Board of Trustees of the Office of Hawaiian Affairs; and
- (2) Require the Reapportionment Commission to establish a reapportionment plan based on basic island units.

Your Committee received testimony in support of this measure from two 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 the Attorney General and the Office of Hawaiian Affairs.

Your Committee finds that members of the Board of Trustees of the Office of Hawaiian Affairs are elected during an at-large statewide election in which all registered voters are permitted to vote to elect all trustees. This measure provides for an election in which only qualified voters of a district within the State's four basic island units – Hawaii; Maui, Molokai, and Lanai; Oahu; and Kauai and Niihau are permitted to elect one of the nine members of the Board of Trustees for the Office of Hawaiian Affairs.

Your Committee notes the testifiers' concerns that the reapportionment of the nine-member Board of Trustees among the four basic island units may fall short of the one-person, one-vote standard established by the United States Supreme Court in *Reynolds v. Sims*, 377 U.S. 533 (1964). States must make honest and good faith efforts to construct districts with equal numbers of persons as practicable. Due to the significant disparities in population sizes among the basic island units, deviations from population equality in the reapportionment of the Board of Trustees may be required.

Your Committee has amended this measure by:

- (1) Inserting language to clarify that all registered voters in the general election are entitled to receive an Office of Hawaiian Affairs containing the names of all candidates seeking election to the Board of Trustees within the voter's district;
- (2) Clarifying that certain procedures apply to each election to fill an available seat, rather than any election with only one available seat:
- (3) Repealing language relating to elections with three available seats without a residency requirement;
- (4) Clarifying that the final Office of Hawaiian Affairs Board of Trustees reapportionment plan shall govern the election of members until the next reapportionment plan becomes effective, rather than for five years; 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 is in accord with the intent and purpose of S.B. No. 195, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 195, 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 (Ihara).

SCRep. 19 Hawaiian Affairs on S.B. No. 196

The purpose and intent of this measure is to amend the State Constitution to require the Reapportionment Commission to establish a reapportionment plan to draw district lines for the total number of members of the Board of Trustees of the Office of Hawaiian Affairs.

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 Office of the Attorney General and Office of the Hawaiian Affairs.

Your Committee finds that members of the Board of Trustees of the Office of Hawaiian Affairs are elected during an at-large statewide election in which all registered voters are permitted to vote to elect all trustees. This measure provides for an election in which only qualified voters of a district within the State's four basic island units – Hawaii; Maui, Molokai, and Lanai; Oahu; and Kauai and Niihau are permitted to elect one of the nine members of the Board of Trustees.

Your Committee further finds that the reapportionment of the nine-member Board of Trustees among the four basic island units may fall short of the one-person, one-vote standard established by the United States Supreme Court in *Reynolds v. Sims*, 377 U.S. 533 (1964). States must make honest and good faith efforts to construct districts with equal numbers of persons as practicable. Due to the significant disparities in population sizes among the basic island units, deviations from population equality in the reapportionment of the Board of Trustees of the Office of Hawaiian Affairs may be required.

Accordingly, your Committee notes the concerns expressed in the testimony of the Office of Hawaiian Affairs indicating that the Board of Trustees would likely lose the seat for the Trustee representing the islands of Molokai and Lanai, and that six of the nine trustee seats would likely be apportioned to Oahu, with one trustee seat for each of the remaining island units. These deviations and change in representation may raise concerns under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. Your Committee finds that addressing these constitutional equal representation requirements, combined with the apportionment envisioned in this measure may require a significant increase in the number of trustees on the Board of Trustees, resulting in potential increases in trust fund spending and impacts to governance from an expanded Board of Trustees.

Moreover, your Committee finds that there is uncertainty as to how the current Board of Trustees will transition to the new configuration and how all members will serve concurrent four-year terms following reapportionment.

Your Committee has amended this measure by:

- (1) Inserting language to require that at the election immediately following the adoption of the apportionment plan:
 - (A) The term of office for all members of the Board of Trustees shall end;
 - (B) The Reapportionment Commission shall assign two-year terms to a simple majority of the seats; and
 - (C) The remaining seats shall be assigned to four-year terms;
- (2) Updating the question to be printed on the ballot; 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. 196, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 196, 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 (Acasio). Noes, none. Excused, 1 (Ihara).

SCRep. 20 Hawaiian Affairs on S.B. No. 321

The purpose and intent of this measure is to provide the Office of Hawaiian Affairs with the funds to which it is entitled under article XII, section 6, of the Hawaii State Constitution and section 10-13.5, Hawaii Revised Statutes. Specifically, this measure:

- (1) Requires agencies that collect receipts related to the public land trust to transfer twenty percent of such receipts to the Office of Hawaiian Affairs on a quarterly basis;
- (2) Sets the minimum aggregate quarterly transfer of receipts to the Office of Hawaiian Affairs at \$3,775,000;
- (3) Directs the Director of Finance to transfer funds to the Office of Hawaiian Affairs in satisfaction of any quarterly shortfall;
- (4) Transfers to the Office of Hawaiian Affairs all overpayment funds collected in fiscal year 2012-2013 through fiscal year 2020-2021 from the carry-forward trust holding account established pursuant to Executive Order No. 06-06, plus any additional overpayments collected in the holding account in fiscal year 2021-2022 or 2022-2023; and
- (5) Establishes a public land trust revenues negotiating committee to make recommendations to the Legislature for resolving the matter of the amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually.

Your Committee received testimony in support of this measure from the Department of Transportation, Office of Hawaiian Affairs, Hawaii Appleseed Center for Law and Economic Justice, Kūpuna for the Moʻopuna, Ka Lāhui Hawaiʻi, and eighteen individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources and the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Department of Agriculture, Department of Budget and Finance, University of Hawaiʻi System, Hawaii Health Systems Corporation, Hawaii Public Housing Authority, Office of Information Practices, and League of Women Voters.

Your Committee finds that there is a constitutional obligation for the State to provide a sufficient sum of income and proceeds as the pro rata share of the public land trust for the betterment of the conditions of native Hawaiians. Act 178, Session Laws of Hawaii 2006 (Act 178), put in place annual payments of \$15,100,000 from the pro rata portion of the public land trust to the Office of Hawaiian Affairs in acknowledgment of the State's constitutional obligation. However, Act 178 was passed with the intention that it would be an interim measure until the Legislature could further assess the complexities of the issue, including in part gathering information on revenue-generating public trust lands and amounts derived from those lands. Your Committee finds that since Act 178 was passed, the Legislature has received additional information from the departments and the Office of Hawaiian Affairs on the annual amounts derived from the public land trust. For fiscal years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020, the State reported to the legislature total gross Public Land Trust receipts in the amounts of \$150,939,203, \$159,971,589, \$163,322,176, \$178,043,261, \$177,617,893, \$202,528,564, \$225,079,055, \$289,767,657, and \$229,631,870 respectively, or an average of \$197,433,474 over the last nine fiscal years. Twenty per cent of the average reported gross receipts for fiscal years 2011-2012 through 2019-2020 is \$39,486,695. The Office of Hawaiian Affairs states that it is in the interests of the Office of Hawaiian Affairs, its beneficiaries, and the State to use that information to enact an updated interim legislative measure regarding the Office of Hawaiian Affairs' constitutional pro rata share of the public lands trust.

Despite the ongoing, urgent economic crisis faced by the State, this measure does not require any general fund appropriations, nor does it require state agencies to set aside more funds than they are already required. This measure intends to ensure that the full twenty percent of public land trust receipts that agencies set aside as native Hawaiians' pro rata share can be used to benefit native Hawaiians.

Your Committee has heard the concerns of the Department of the Attorney General that this measure would require all agencies collecting receipts from the public land trust to indiscriminately transfer twenty percent of such receipts to the Office of Hawaiian Affairs. In Office of Hawaiian Affairs v. State, 96 Haw. 388, 31 P.3d 901 (2001), the United States' Supreme Court ruled that a twenty percent transfer requirement as applied to the Department of Transportation's airport revenues conflicted with federal transportation statutes. Therefore, this measure's return to a twenty percent transfer requirement for all agencies may raise issues of preemption.

Furthermore, your Committee notes the concerns of the Department of the Attorney General and Department of Budget and Finance regarding the carry-forward trust holding account established by Executive Order 06-06, due to the financial strain caused by the coronavirus disease-2019 (COVID-19) pandemic, which has had a negative impact on the ability of state agencies to collect revenue that may result in insufficient sums to meet the minimum \$3,775,000 quarterly payments.

Your Committee has also heard the concerns of the University of Hawai'i System citing article X, section 5, of the Hawaii State Constitution, which states that the University shall have title to all real and personal property conveyed to it, which shall be held in public trust to further its purposes as a model indigenous-serving university.

Your Committee has additionally heard the concerns of the Hawaii Health Systems Corporation, Department of Agriculture, Department of Land and Natural Resources, and the Hawaii Public Housing Authority that this measure places undue hardships on their agency operations.

Your Committee has heard the concerns of the Office of Information Practices that the measure as drafted would exempt the public land trust revenues negotiation committee from being subject to chapter 92, Hawaii Revised Statutes, because this exemption creates the appearance that the sensitivity of negotiations precludes public participation in the process.

Accordingly, in response to the numerous concerns of the testifiers, your Committee has amended this measure by:

- (1) Updating dollar amounts referenced in section 1;
- (2) Inserting language in Section 1 to acknowledge the sensitive nature of anticipated negotiations and provide an explanation for the exemption of the public land trust revenues negotiating committee from part I of chapter 92, Hawaii Revised Statutes;
- (3) Clarifying that the quarterly transfer of receipts shall occur unless precluded by federal law;
- (4) Inserting a blank dollar amount for the minimum total amount of receipts transferred to the Office of Hawaiian Affairs for any fiscal quarter;
- (5) Inserting a definition for the term "receipt";
- (6) Inserting a blank dollar amount required to be left in the holding account to act as contingency payments;
- (7) Clarifying that the public land trust revenues negotiating committee is exempt from part I of chapter 92, Hawaii Revised Statutes, rather than the entire chapter;
- (8) Inserting language to clarify that:
 - (A) Nothing in this measure shall resolve or settle the claims of native Hawaiians to the income and proceeds of a pro rata portion of the public land trust under article XII, section 6 of the Hawaii State Constitution; and
 - (B) Any funds transferred shall be deemed income and proceeds from the public land trust, just as if the funds had been paid out of the income and proceeds from the public land trust pursuant to article XII, section 6, of the Hawaii State Constitution; 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 Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 321, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 321, 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 (Ihara).

SCRep. 21 Hawaiian Affairs on S.B. No. 389

The purpose and intent of this measure is to appropriate funds for the operating expenses of the Office of Hawaiian Affairs.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Kūpuna for the Moʻopuna, Hawaii Appleseed Center for Law and Economic Justice, and fourteen individuals.

Your Committee finds that the Office of Hawaiian Affairs is a semi-autonomous state agency, established by Article XII, Section 4 and Article XI, Section 5, of the Hawaii State Constitution and Chapter 10, Hawaii Revised Statutes, that is responsible for improving the well-being of native Hawaiians and Hawaiians. This measure appropriates funds for the Office of Hawaiian Affairs' operating budget in support of plans for the upcoming biennium and is vital to fulfilling the mandates of the Office of Hawaiian Affairs.

Your Committee has amended this measure by:

- (1) Inserting a blank dollar amount for all appropriations of general funds and trust funds; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that although the appropriations are blank, the Office of Hawaiian Affairs' testimony requests an appropriation of the following sums:

- \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 for referral services and case management to at-risk Office of Hawaiian Affairs beneficiaries for financial assistance to improve stability during emergency situations;
- (2) \$615,000 in general funds and \$615,000 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 for educational improvement programs for native Hawaiian students; and
- (3) \$524,400 in general funds and \$524,400 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 to provide for legal services and legal representation.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2021, or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests that your Committee on Ways and Means 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 Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 389, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 389, 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 (Ihara).

SCRep. 22 Judiciary on S.B. No. 294

The purpose and intent of this measure is to:

- (1) Restrict civil asset forfeiture to cases involving the commission of a felony offense where the property owner has been convicted of an underlying felony offense; and
- (2) Direct any forfeiture proceeds to the general fund.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Libertarian Party of Hawaii, Americans for Democratic Action Hawaii, Young Progressives Demanding Action, American Civil Liberties Union of Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Community Alliance on Prisons, Common Cause Hawaii, and seventeen individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Hawaii Police Department, and Maui Police Department. Your Committee received comments on this measure from the Department of the Attorney General, Department of Public Safety, and Grassroot Institute of Hawaii.

Your Committee finds that existing civil asset forfeiture procedures in Hawaii allow law enforcement agencies to seize and keep property based on suspicion that the property is connected to criminal activity. Your Committee further finds that this property can be taken without the property owner having been convicted of a crime or even being formally accused of one. Your Committee additionally finds that the State's civil asset forfeiture laws were established over thirty years ago and are in need of updates and refinement.

Your Committee acknowledges the issue raised by a number of testifiers on this measure that the proceeds from civil asset forfeitures supplement the budgets of law enforcement agencies and support important programs relating to public safety. However, your Committee finds that the purpose of civil asset forfeiture should not be addressing budget shortfalls.

Your Committee has amended this measure by:

- (1) Removing language relating to the 2018 Auditor's report from the purpose section;
- Clarifying that the restrictions on civil asset forfeiture shall not prohibit forfeitures authorized under other chapters of the 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 294, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 294, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 23 (Majority) Agriculture and Environment on S.B. No. 232

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, when litter drifts out to sea, animals may ingest the plastic which creates health problems, including depletion of nutrients and causing animals to die. Additionally, toxins ingested by animals may cause blood clotting, seizures, or other serious issues. Toxic waterways may also kill off surrounding plant life in riverbanks, soil, and the air, compromising the health of the ecosystems and the animals and humans that rely on the health of the ecosystem. Your Committee finds that littering fines must be increased to reflect the seriousness of the offense, be sufficient to deter individuals from littering, 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. 232 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, 1 (Acasio). Excused, none.

SCRep. 24 Agriculture and Environment on S.B. No. 345

The purpose and intent of this measure is to:

- (1) Prohibit manufacturers from importing, selling, or offering for sale any cosmetic tested on animals, on or after January 1, 2022, with certain exceptions; and
- (2) Incentivize cosmetic companies to push for the development and acceptance of additional non-animal testing methods.

Your Committee received testimony in support of this measure from Pono Advocacy, Cruelty Free International, The Body Shop, Personal Care Products Council, The Humane Society of the United States, O'o Hawaii, and eight individuals. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that testing cosmetics on animals is cruel and increasingly unnecessary, as there are now thousands of cosmetic ingredients whose effects have already been tested and compiled. Your Committee further finds that alternatives to animal testing are available, some of which provide better predictors of adverse human reactions to new chemical compounds than animal testing. Your Committee notes that the prohibition on the sale of cosmetics tested on animals included in this measure is not unique, as similar prohibitions have already been adopted by California, Nevada, Illinois, Israel, Norway, India, Switzerland, and the European Union

Your Committee further notes that this measure is not intended to penalize retailers or consumers who rely on manufacturers to meet state laws or rules, nor is its intent to prohibit the continued import or export of cosmetic products in the State from or to other countries if the safety of the product sold in the State does not rely on data from animal testing that was performed after 2021.

Your Committee has amended this measure by:

- (1) Placing the new language to prohibit a manufacturer from importing or selling any cosmetic product in Chapter 328, Hawaii Revised Statutes (Food, Drugs, and Cosmetics), rather than Chapter 321, Hawaii Revised Statutes (Department of Health); 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. 345, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 345, S.D. 1, and be referred to your Committees on Judiciary and Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 25 Agriculture and Environment on S.B. No. 347

The purpose and intent of this measure is to prohibit the intentional release of balloons inflated with a gas that is lighter than air.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Reef and Ocean Coalition, The Humane Society of the United States, Beach Environmental Awareness Campaign Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, five individuals, and a petition signed by over fifteen hundred individuals.

Your Committee finds that the release of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals. Many animals are attracted to the bright colors of balloons and mistake them for food, which can cause an animal severe injury or death. Animals are often found entangled in balloon strings and as a result are injured or strangled to death.

Your Committee further finds that any benefit provided by the intentional release of balloons is de minimis at best. Your Committee notes that there are numerous other ecologically friendly options to celebrate or commemorate events. Therefore, your Committee finds that to ensure the safety of wildlife and marine animals and protect the environment, the intentional release of balloons filled with lighter-than-air gas should be prohibited, except under certain circumstances.

Your Committee has amended this measure by inserting language finding that several states, including California, Connecticut, Florida, New Jersey, Tennessee, and Virginia, as well as numerous counties in other states have prohibited the release of balloons inflated with lighter-than-air gases.

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. 347, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 347, 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. 26 Agriculture and Environment on S.B. No. 348

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 Maui Brewing Company, Hawaii Food Industry Association, Sierra Club National Marine Team, Ball Corporation, Ko Olina Resort Hawai'i, Mananalu, and 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 in other states 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. Hawaii bottled water manufacturers are required to comply with a United States Food and Drug Administration's (FDA) rule that is outdated and has been superseded by another FDA rule. Complying with the outdated FDA rule is costly and 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. Lifting this constraint would allow beverage companies in the State to expand their businesses by

putting still water in aluminum cans meeting the growing demand for water in sustainable packaging while continuing to invest in the local economy. Accordingly, this measure repeals the existing restriction.

Your Committee has amended this measure by:

- (1) Updating section 328D-2, Hawaii Revised Statutes, to reflect current rules of the FDA regarding product quality standards for bottled water found in 21 C.F.R. section 165.110; 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. 348, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 348, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 27 Agriculture and Environment on S.B. No. 351

The purpose and intent of this measure is to repeal:

- (1) The statutory requirement for the Environmental Council to prepare an annual report by January 31 of each year;
- (2) The provision in Chapter 343, Hawaii Revised Statutes, whereby an applicant can appeal a non-acceptance determination on its final environmental impact statement directly to the Environmental Council; and
- (3) References to the environmental center in various sections of chapter 341, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Office of Environmental Quality Control, State Environmental Council, and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Environmental Council does not have its own budget and relies on volunteers to complete its annual report. There is uncertainty about whether the annual report is serving its statutory function of providing recommendation for improvement of the progress of state, county, and federal agencies in achieving the State's environmental goals and policies. Thus, your Committee notes the testimony of the State Environmental Council that it should not be held to the requirement to produce an annual report if it no longer serves its intended purpose and seeks to spend its efforts in other roles, such as community outreach and developing guidance on rules regarding environmental impact statements.

Additionally, your Committee finds that under Section 343-5, Hawaii Revised Statutes, appeals for a non-acceptance determination on its final environmental impact statement can be appealed directly to the Environmental Council. Given that the Environmental Council is not proficient to function as a quasi-judicial body due to a lack of resources, equipment, and staffing, and because determination of the sufficiency of an environmental impact statement properly lies with technical experts at relevant agencies reviewing these documents, your Committee has determined that appeals of this nature should not fall under the Environmental Council's purview.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 351, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 351, 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. 28 Agriculture and Environment on S.B. No. 502

The purpose and intent of this measure is to propose an amendment to article I of the Hawaii State Constitution to guarantee all individuals the right to a clean and healthy environment.

Your Committee received testimony in support of this measure from Life of the Land, Our Revolution Hawaii, Imua Alliance, Kauai Climate Action Coalition, Surfrider Foundation Hawaii'i Region; 350Hawaii.org, Kūpuna for the Moʻopuna, Hawaii Reef and Ocean Coalition, Green Amendments for the Generations, and twenty-four individuals. Your Committee received testimony in opposition to this measure from the Center for Biological Diversity. Your Committee received comments on this measure from the Department of the Attorney General and NAIOP Commercial Real Estate Development Association Hawaii Chapter.

Your Committee finds that the goals of this measure are to:

- Advance better government decision-making that will advance economic development, business and community interests in a
 way that avoids environmental pollution and harm to avoid the costs, health harms, lost property values, diminished quality of
 life, and other adverse impacts that pollution and environmental degradation cause; and
- (2) Support government actions, community and business interests that are beneficial for environmental protection, such as advancing clean energy projects, environmentally beneficial development, bans on plastic, or other government efforts intended to proactively advance environmental protection and benefits.

Your Committee finds that the language of the proposed constitutional amendment in this measure recognizes and protects the alienable rights of all people, including future generations, to clean water, clean air, a stable climate, and healthy environments and

makes clear that government's duties, as a trustee, to protect the environment for the benefit of the residents and future generations of their states. Clean water, clean air, a stable climate, and a healthy environment are essential for supporting physical, mental, and economic health of the State's residents and their placement in the Hawaii State Constitution would confirm the self-executing nature of the provision and liken the right to a healthy environment with other fundamental rights, like freedom of religion, freedom of speech, property rights and due process rights. Recognizing the right to a clean and healthy environment in the Hawaii State Constitution would ensure a proper and equitable balance of these rights by the legislative and judicial branches of government.

Your Committee further finds that while the State has strong constitutional and statutory environmental protections, there are still a plethora of ongoing environmental justice issues. Minority, indigenous, and immigrant communities continue to be targeted for highly polluting and environmentally and culturally degrading activities. In addition, poor implementation, and politically expedient rollbacks of protections are commonplace. This proposed constitutional amendment seeks to encourage sustainable, environmentally protective, and innovative development, industry, and business growth by providing powerful incentives for government officials to render decisions that advance economic objectives while protecting natural resources critical to sustaining healthy ecosystems.

Your Committee has amended this measure by deleting language that would have provided that the reserved environmental rights may not be diminished through the interpretation or implementation of article XI, section 9, of the Hawaii State Constitution.

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. 502, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 502, 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. 29 Agriculture and Environment on S.B. No. 582

The purpose and intent of this measure is to amend the definition of "water pollutant" as used in chapter 342D, Hawaii Revised Statutes, to include plastic.

Your Committee received testimony in support of this measure from Surfrider Foundation Hawai'i Region, Friends of Hanauma Bay, Hawaii Reef and Ocean Coalition, He'eia National Estuarine Research Reserve, Center for Biological Diversity, Sustainable Coastlines Hawai'i, Zero Waste O'ahu, and twenty individuals. Your Committee received testimony in opposition to this measure from the Department of Health and American Chemistry Council. Your Committee received comments on this measure from Life of the Land.

Your Committee finds that the Environmental Protection Agency recognizes that most of the trash that pollutes the nation's waters is plastic trash. Additionally, the Environmental Protection Agency held that seventeen water bodies around the Hawaiian islands are impaired by plastic pollution. Plastic pollution poses a serious threat to the State's water quality and vulnerable marine ecosystems, killing and injuring thousands of seabirds, sea turtles, and other marine mammals after ingestion or entanglement. Plastic never fully biodegrades or decomposes, but instead breaks into smaller pieces that is readily dispersed by water and wind. Microplastics have emerged as a major threat to marine wildlife, water quality, and human health because of its ability to absorb environmental toxins and be eaten by fish, other marine life, and proceeds through the food chain until eventually consumed.

Additionally, your Committee finds that on March 30, 2020, the Environmental Protection Agency issued a final ruling, rescinding its approval of the 2018 Hawai'i List of Impaired Waters under Clean Water Act (CWA), Section 303(d), citing specifically that "the State's submission does not demonstrate that it has satisfied its statutory and regulatory obligation to assemble and evaluate all existing and readily available water-quality data and information, specifically for plastic trash related to plastics."

Your Committee acknowledges the testimony of the Department of Health expressing concerns that the addition of "plastic" to section 342D-1, Hawaii Revised Statutes, is unnecessary and redundant as plastics are a subset of garbage and solid refuse, both of which are already defined as pollutants.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 582, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 582, 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. 30 Agriculture and Environment on S.B. No. 777

The purpose and intent of this measure is to establish the crime of the destruction of a tree on state or county property punishable as a misdemeanor

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Trees for Honolulu's Future, and the Lani-Kailua Outdoor Circle.

Your Committee finds that trees are integral tools in tackling the climate crisis. In addition to carbon sequestration, trees reduce ambient temperatures and storm water runoff, increase wildlife habitat, and provide human health, psychological, and quality of life benefits. New seedlings can take years before they realize ecological and human health benefits; however, existing mature trees already provide significant benefits, underscoring the importance of their protection. Establishing criminal penalties to apply to destruction of trees would strengthen enforcement capabilities and allow for greater protection, preservation, and enhancement of

natural resources, while providing an opportunity for education about the benefits of trees, which may result in impacts beyond issuing penalties.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 777, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 777, 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. 31 Education on S.B. No. 518

The purpose and intent of this measure is to:

- Require the Department of Education to establish and implement a sexual abuse prevention education program to educate
 public school students on sexual abuse prevention, provide relevant training to teachers and staff, and inform parents and
 guardians about important child sexual abuse topics;
- (2) Require the Board of Education to adopt policies to effectuate the program;
- (3) Require reports to the Legislature; and
- (4) Appropriate funds.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network, Parents and Children Together, The Sex Abuse Treatment Center, Democratic Part of Hawaii Education Caucus, Imua Alliance, and three individuals. Your Committee received comments on this measure from the Department of Education and Hawaii State Public Charter School.

Your Committee finds that sexual abuse remains a serious and ongoing threat to the safety, health, and well-being of children in the State of Hawaii. Your Committee further finds that although there are programs and Department of Education-approved curricula that provide both training to Department of Education teachers and staff and sexual abuse prevention education to students, implementation of these programs is not consistent across the Department of Education and resources to provide this training and education are limited. Consequently, students may not receive regular, consistent child abuse prevention education, nor are parents informed about child sexual abuse topics. In addition, many teachers and staff do not receive proper training on how to talk to children about child sexual abuse prevention, the effects of this abuse on children, how to handle sexual abuse disclosures, and mandatory reporting. This measure will establish a sexual abuse prevention education program in schools, which will equip students, school personnel, and parents with the skills they need to keep children safe from sexual abuse.

Your Committee has amended this measure by:

- (1) Specifying that charter schools are included in the sexual abuse prevention education program;
- Specifying that the Board of Education must adopt policies to effectuate the sexual abuse prevention education program for public and charter schools;
- (3) Specifying that charter schools are allowed to participate and collaborate with the Department of Education in the development of the sexual abuse prevention education program;
- (4) Inserting a blank appropriation amount for the State Public Charter School Commission to implement the sexual abuse prevention education program; 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. 518, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 518, 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. 32 Education on S.B. No. 807

The purpose and intent of this measure is to require the Department of Education to submit an annual report on the school academic and financial plans to the Board of Education and the Legislature.

Your Committee received testimony in support of this measure from the HE'E Coalition 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 Education.

Your Committee finds that, currently, the Department of Education's academic plan and financial plan are two separate documents that are difficult to consider together. Your Committee further finds that it would be better to have a single consolidated report that illustrates how the use of financial resources impacts student outcomes. Requiring a consolidated report will allow for more transparency and accountability in Hawaii's school system.

Your Committee has amended this measure by:

- (1) Specifying that the educational outcomes in the academic plan must have a clear description of priority improvement strategies and measures to determine progress;
- (2) Clarifying that the inclusion of National Assessment of Educational Progress scores in the academic plan applies to those schools that participate in that assessment; and
- (3) Specifying that the academic plan must include the last three years of Strive HI scores.

Your Committee notes that HE'E Coalition suggested that there be continuous monitoring of academic plans by complex areas and state leadership to support schools' progress.

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. 807, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 807, 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. 33 Education on S.B. No. 812

The purpose and intent of this measure is to:

- (1) Require the superintendent to serve as the summer learning coordinator and coordinate all summer programs for children; and
- (2) Require the summer learning coordinator to leverage certain federal funds for school-based summer programs.

Your Committee received testimony in support of this measure from the Hawai'i Afterschool Alliance, Hawai'i Children's Action Network Speaks!, After-School All-Stars Hawaii, Hawai'i Arts Alliance, Kaho'omiki, Parents and Children Together, HE'E Coalition, and eight individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Teachers Association. Your Committee received comments on this measure from the Department of Education and Department of Human Services.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic resulted in students suffering from learning loss, especially those students that are the most vulnerable or coming from low-income families. Your Committee further finds that summer months should be utilized to provide students with coordinated summer programs so that students can close the achievement gap and be provided deeper learning and extra help in order to recover from the learning loss that resulted from school closures and disrupted schedules. Summer programs may also assist in addressing students' mental health, promoting physical activity, and allowing parents and caregivers time to return to work or seek employment. This measure will require the superintendent to coordinate summer programs, which will provide students with the support they need to overcome any learning loss or lack of social or mental benefits derived from regular school activities.

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 Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 812, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 812, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 34 Human Services on S.B. No. 409

The purpose and intent of this measure is to expressly include "coercion" as a means by which to advance prostitution in the commission of the offense of sex trafficking.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Maui Police Department, City and County of Honolulu Department of the Prosecuting Attorney, IMUAlliance, The Sex Abuse Treatment Center, and six individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that the use of coercion is a common factor in sex trafficking, which is on the increase throughout the State. This measure provides an expanded definition of "coercion", which will provide additional means for law enforcement to protect victims and hold traffickers accountable. Your Committee also finds that adding "coercion" to the statute reflects the realistic means by which traffickers compel victims into prostitution.

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.B. No. 409 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 (Ihara).

SCRep. 35 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1111

The purpose and intent of this measure is to:

- (1) Establish the Hawaii State Fusion Center as a program under the Office of Homeland Security; and
- (2) Establish the position of Hawaii State Fusion Center Director who shall be state-funded, permanently exempt from chapter 76, Hawaii Revised Statutes, responsible to the Director of Homeland Security, and accountable to manage the operations of the Hawaii State Fusion Center.

Your Committee received testimony in support of this measure from the Department of Human Services, Department of Transportation, Office of Enterprise Technology Services, Hawaii Emergency Management Agency, Hawaii State Energy Office, Board of Water Supply of the City and County of Honolulu, National Insurance Crime Bureau, Retail Merchants of Hawaii, and two

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.

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. 1111 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. 36 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 698

The purpose and intent of this measure is to:

- (1) Exempt members of a County Council from the limitation on the number of members that may attend an informational meeting or presentation on matters relating to official board business, including a meeting of another entity, legislative hearing, convention, seminar, or community meeting; and
- (2) Clarify that those meetings shall be meetings that are open to the public for purposes of permitted interactions.

Your Committee received testimony in support of this measure from the Hawaii State Association of Counties. Your Committee received testimony in opposition to this measure from the Office of Information Practices, Civil Beat Law Center for the Public Interest, League of Women Voters, and Society of Professional Journalists Hawaii Chapter. Your Committee received comments on this measure from Common Cause Hawai'i.

Your Committee finds that informational meetings and presentations open to the public provide the opportunity for individuals who have an interest to attend and learn more about the subject matter being discussed. However, there is currently limited flexibility under state law for a county council member to attend such meetings and presentations as an individual with a similar private interest. This measure allows council members to stay informed on developing policy issues throughout their respective counties to fulfill their duty and better serve the public.

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

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. 698, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 698, S.D. 1, and be referred to your Committee on

Signed by the Chair on behalf of the Committee.

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

Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1107

The purpose and intent of this measure is to establish the hazard mitigation special fund for the Hawaii Emergency Management

Your Committee received testimony in support of this measure from the Hawaii State Energy Office; Hawaii Emergency Management Agency; The Maritime Group, LLC; and AARP Hawai'i.

Your Committee finds that section 127A-18, Hawaii Revised Statutes, allows certain personnel to enter private property in the absence of an emergency or disaster, with notice to the landowner and occupant, to address dangerous trees and unstable rock and soil conditions and mitigate flood hazards. Creation of the special hazard mitigation fund will provide the Hawaii Emergency Management Agency a dedicated funding source for personnel to mitigate situations deemed hazardous to the health and safety of the public through the actions identified in statute. This measure will provide a funding source to allow this important work to continue.

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. 1107, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1107, 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. 38 Education on S.B. No. 809

The purpose and intent of this measure is to appropriate funds for public school positions and the Hawaii teacher standards board.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawai'i Teacher Standards Board, and Hawaii State Teachers Association. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that funding for public school positions and the Hawaii Teacher Standards Board will help to increase alternative pathways to teacher licensure and more effectively allow out-of-state teachers to gain licensure in the State. This measure will help increase the number of licensed teachers in Hawaii and, thereby, reduce the current teacher shortage.

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 Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 809, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 809, 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. 39 Education on S.B. No. 805

The purpose and intent of this measure is to:

- (1) Make the exemption from the behavior analyst licensing requirements permanent for certain teachers working in collaboration with a licensed behavior analyst or licensed psychologist;
- (2) Clarify exemptions from licensure as a behavioral analyst for general education teachers, direct support workers, special education teachers, and teacher trainees working in collaboration with or under the supervision of licensed professionals; and
- (3) Exempt licensed special education teachers and individuals in approved and accredited special education training programs who are working toward licensure as special education teachers whose scope of practice and training includes applied behavior analysis.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawai'i Psychological Association, Special Education Advisory Council, and five individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Teachers Association, Autism Behavior Consulting Group Hawaii, and five individuals. Your Committee received comments on this measure from the Department of Education, Together For Our Keiki, Hawaii Association for Behavioral Analysis, Hawaii Disability Rights Center, Horizons Academy, and twenty-three individuals.

Your Committee finds that many students enrolled in public schools would benefit from the expansion of behavior analysis services throughout Hawaii's public school system. However, under existing law, there is a deadline after which teachers will no longer be allowed to implement these services. This measure ensures that teachers will be able to continue to implement these services in direct collaboration with a licensed behavioral analyst or licensed psychologist.

Your Committee has amended this measure by:

- (1) Deleting language that would have exempted from licensure a licensed special education teacher and an individual who is working toward licensure as a special education teacher and who is enrolled in a state-approved and nationally-accredited special education teacher preparation program that includes training in behavior analysis assessment and interventions; 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. 805, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 805, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 40 Education on S.B. No. 811

The purpose and intent of this measure is to require the department of education to publish a weekly report on schools that have cases of coronavirus disease 2019 (COVID-19) cases.

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

Your Committee finds that although the Department of Education has stated that it has communication policies and set procedures in place to address COVID-19 cases, it generally has not provided information about positive COVID-19 test result cases on all school campuses and the limited information that it has shared has been inconsistent and incomplete. The Committee further finds, in particular, that the Department of Educations does not publicize positive COVID-19 cases listed by school. This measure will require that the Department of Education reports positive COVID-19 cases, which will allow students, teachers, and communities to make informed decisions on how to proceed.

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. 811 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. 41 Education on S.B. No. 806

The purpose and intent of this measure is 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 this measure from the Department of Education. Your Committee received comments on this measure from the Department of the Attorney General.

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.

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. 806 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. 42 Judiciary on S.B. No. 309

The purpose and intent of this measure is to add the intentional disclosure or threat of disclosure of certain types of deep fake images or video to the offense of violation of privacy in the first degree.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Imua Alliance; Screen Actors Guild – American Federation of Television and Radio Artists Hawaii Local; International Longshore and Warehouse Union Local 142; Iron Workers Stabilization Fund; International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; Hawaii State AFL-CIO; and eight individuals. Your Committee received testimony in opposition to this measure from the Motion Picture Association – America.

Your Committee finds that in 2019, the legislature established the twenty-first century privacy law task force (task force), whose membership consisted of individuals in government and the private sector with an interest or expertise in privacy law in the digital era. Your Committee additionally finds that one of the recommendations made by the task force was that the State protect the privacy of a person's likeness by adopting laws that prohibit the unauthorized use of deep fake technology, which is advancing rapidly and is easily sharable on social media. Your Committee further finds that deep fake technology enables the creation of synthetic media in which a person in an existing image or video is replaced with the likeness of another person, and that this technology can be used to insert the likeness of a person into media that is pornographic or otherwise inappropriate or damaging to the person.

This measure will provide increased privacy protections by adding certain inappropriate and harmful uses of deep fake technology to the offense of violation of privacy in the first degree.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purpose 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. 309, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 309, 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 (Acasio). Noes, none. Excused, none.

SCRep. 43 Judiciary on S.B. No. 343

The purpose and intent of this measure is to:

- (1) Establish the offense of bestiality as a class C felony; and
- (2) Provide that bestiality is 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 Prosecuting Attorney of the City and County of Honolulu, Humane Society of the United States, Hawaiian Humane Society, Hawaii Association of Animal Welfare Agencies, Pono Advocacy, Animal Rights Hawai'i, Animal Interfaith Alliance, and sixty-three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that sexual assault on an animal has been significantly linked to the sexual abuse of children, as well as interpersonal violence and other forms of animal cruelty. Your Committee further finds that, although Hawai'i has strong animal cruelty laws, some acts of sexual assault on animals cannot be prosecuted under animal cruelty laws because they do not cause bodily injury. This measure will allow law enforcement officers to better identify potentially dangerous and violent sexual predators in their communities.

Your Committee has amended this measure by:

- (1) Removing redundant language regarding subjecting an animal to sexual contact in the presence of a minor;
- (2) Replacing the term "bestiality" with "sexual assault on an animal" throughout 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 343, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 343, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 44 Judiciary on S.B. No. 399

The purpose and intent of this measure is to:

- (1) Provide that certain rights shall be deemed waived if a preliminary determination of probable cause is rendered during a chapter 92, Hawaii Revised Statutes, meeting and the person fails to request a contested case hearing within 20 days of receipt of the preliminary determination; and
- (2) Allow the Campaign Spending Commission to have an order confirmed as a judgment by the first 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 League of Women Voters. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Campaign Spending Commission is unable to issue a fine against a person without providing the person with written notice and an opportunity to be heard at a hearing. Your Committee further finds that a person may waive these rights by written stipulation or consent. Your Committee additionally finds that the enforcement actions of the Campaign Spending Commission can be delayed if a person declines to participate in the hearing process. This measure will establish an implied waiver of a person's rights to notice and to be heard at a contested case hearing if the person fails to request a hearing within twenty days of a preliminary determination, and will allow the Commission to file orders with the First Circuit Court and enable those orders to be enforceable and collectable in the same manner as other judgments of the court.

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. 399, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 399, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 45 Judiciary on S.B. No. 400

The purpose and intent of this measure is to clarify that increased fines may apply if a candidate committee or noncandidate committee fails to timely file the preliminary primary or preliminary general report due ten days before the primary or general election.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and seven individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Campaign Spending Commission requires candidate and noncandidate committees to file a series of reports prior to an election. Your Committee further finds that the language establishing these reporting requirements is periodically in need of clarifying updates as the requirements are refined and amended. This measure clarifies that increased fines may apply if a committee fails to timely file certain reports.

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. 400, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 400, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 46 Commerce and Consumer Protection on S.B. No. 206

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, Governor's Coordinator on Homelessness, Hawai'i State Commission on the Status of Women, Hawai'i Civil Rights Commission, American Civil Liberties Union of Hawai'i, Rainbow Family 808, LGBT Caucus of the Democratic Party of Hawaii, Imua Alliance, and two individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS.

Your Committee finds that homelessness remains one of the most pressing challenges facing Hawaii, due in large part to the high cost of living and lack of affordable housing in the State. As a result of the pandemic-related economic downturn, it is anticipated that the number of homeless individuals will significantly increase at a far greater magnitude than what followed the Great Recession. The

Section 8 Housing Choice Voucher Program (Section 8) is one of the federal government's primary programs for assisting very low-income families, the elderly, and the disabled to have access to decent, safe, and sanitary housing in the private market.

Despite the Section 8 program currently bringing over \$38,000,000 into the State every year (primarily on Oahu), many landlords advertise "No Section 8" on rental listings, or refuse to consider Section 8 participants, simply because they assume that they will not be good tenants. However, the Section 8 program is a vitally important part of the State's efforts in addressing the affordable housing needs of low-income families, all of whom must first undergo criminal background, sex offender, and Homeland Security screenings before being given a voucher to pursue a rental unit. Because there is no general federal law that prohibits discriminating against a tenant based on "source of income", including Section 8 vouchers, this measure is critically necessary to break down this significant barrier to accessing affordable housing and to improve geographic mobility for low-income families.

Your Committee has amended this measure by:

- (1) Amending section 1 to further clarify this measure's importance;
- (2) Increasing the maximum penalty from \$500 to \$5,000; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 206, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 206, 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. 47 Commerce and Consumer Protection on S.B. No. 562

The purpose and intent of this measure is to:

- (1) Clarify that any person who offers free or reduced rate shipping to a consumer in another state but who refuses to honor that shipping offer to a consumer in Hawaii has engaged in an act that is unfair and deceptive under certain conditions; and
- (2) Extend remedies.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Department of the Attorney General.

Your Committee finds that many companies offer free or reduced rate shipping to consumers in the United States, but for many consumers in Hawaii, these companies will refuse to honor these offers once a Hawaii zip code is entered. This measure would establish the offering of free or reduced rate shipping to a consumer in another state that is refused to a consumer in Hawaii as an unfair and deceptive practice.

Your Committee has heard the concerns raised in testimony that this measure in its current form may have the unintended consequence of discouraging or deterring merchants from shipping goods to consumers in Hawaii. Since it is likely that shipping goods to Hawaii costs more than shipping to other states, it may be unreasonable to require mainland companies to apply the same free or reduced rates that it offers to mainland consumers, and it would require a merchant to absorb an additional cost to ship to Hawaii consumers. However, your Committee finds that the assessment of any arbitrary fees or costs, in addition to the actual costs to ship goods to Hawaii consumers, is unreasonable and should be regulated by this measure. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee also notes the concerns raised by the Department of the Attorney General that this measure may be subject to challenge under the commerce clause of the United States Constitution. Your Committee finds that this concern merits further consideration and requests that your Committee on Judiciary further examines this issue raised by the testifiers on this measure.

Your Committee has amended this measure by:

- (1) Deleting language that would have established the deceptive trade practice of refusing to honor free or reduced rate shipping to a consumer in this state under section 481A-3, Hawaii Revised Statutes;
- (2) Inserting a new section into chapter 481B, Hawaii Revised Statutes, providing that, in the sale or purchase of any commodity to be shipped or delivered to a consumer in this State, if a separate charge for shipping or delivery is charged to a consumer, that charge shall not exceed the actual cost to ship or deliver the commodity to a consumer in this State;
- (3) Updating 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 562, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 562, 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. 48 Commerce and Consumer Protection on S.B. No. 320

The purpose and intent of this measure is to:

- (1) Require each tax return preparer to have a valid preparer tax identification number issued by the Internal Revenue Service and to furnish the preparer's tax identification number on any return or claim for refund if required by the Department of Taxation;
- (2) Establish penalties for failure to comply; and
- (3) Provide that tax return preparers shall not be liable for penalties prior to January 1, 2022.

Your Committee received testimony in support of this measure from the Department of Taxation and the Hawaii Association of Public Accountants. Your Committee received comments on this measure from Tax Foundation of Hawaii.

Your Committee finds that many tax preparers in the State operate with little oversight or accountability. Requiring all tax return preparers to have a valid preparer tax identification number will help the Department of Taxation better monitor tax return preparers, detect noncompliance, and prevent unintended losses in revenue. This measure will also give taxpayers greater assurance that they can rely on the services of their preparers.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 320 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, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 49 (Joint) Human Services and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 221

The purpose and intent of this measure is to encourage the Governor's Coordinator on Homelessness to develop plans for the four counties of Hawaii to coordinate the services and shelter facilities of public agencies and nonprofit organizations to meet the concerns of communities impacted by homelessness.

Your Committees received testimony in support of this measure from Hawaii Youth Services Network, and one individual. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness, Hawaii Health and Harm Reduction Center, and Catholic Charities Hawaii.

Your Committees find that each county has unique regional needs regarding the impact of homelessness, and that coordination with the four counties is critical. This measure will allow for specific regional plans for each county to complement the overall ten-year plan set forth in section 346-381(b), Hawaii Revised Statutes, which requires the Hawaii Interagency Council on Homelessness to "formulate, and advise the governor on the implementation of, a unified ten-year statewide plan to address homelessness in all Hawaii counties." Your Committees find that this measure will encourage further coordination among the four counties and the Governor's Coordinator on Homelessness to effectively address regional needs, including an assessment of additional resources that may be required.

Your Committees have amended this measure by inserting an effective date of May 1, 2029, to encourage further discussion.

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 concur with the intent and purpose of S.B. No. 221, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 221, 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, 5. Noes, none. Excused, none.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 50 Human Services on S.B. No. 300

The purpose and intent of this measure is to allow law enforcement agencies to quickly verify the existence of, and more easily obtain information on, long-term protective orders by establishing a Hope Card Program within the Department of the Attorney General.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Child and Family Service, Ala Kuola, and one individual. Your Committee received comments on this measure from the Department of the Attorney General and Domestic Violence Action Center.

Your Committee finds that individuals who are granted long-term protective orders must carry a multiple-paged court order on their person to prove the existence of the order. This method is cumbersome and inconvenient, especially for young children. Having a wallet-sized identification card containing the essential information is a convenient, efficient, and effective method of assisting law enforcement with the verification of a long-term protective order. Your Committee also finds that other jurisdictions have implemented the use of the Hope Card as a valuable tool to protect victims of domestic abuse.

Your Committee amended this measure by:

- (1) Inserting a blank appropriation amount;
- (2) Inserting an effective date of May 1, 2029, 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 Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.B. No. 300, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 300, 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; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 51 Human Services on S.B. No. 386

The purpose and intent of this measure is to protect youth from certain harmful conditions in the justice system by ensuring compliance with the Juvenile Justice Reform Act of 2018, codified under 34 U.S.C.A §11133, which requires the family court to make findings before a minor can be transferred to an adult facility.

Your Committee received testimony in support of this measure from The Judiciary of the State of Hawai'i, Office of the Public Defender, Department of Human Services, Office of Youth Services, Hawaii Disability Rights Center, and one individual.

Your Committee finds that when a youth is transferred to the adult criminal justice system, the lifelong consequences of placement in the criminal justice system has a profoundly negative effect on both the youth and our community. There is an abundance of evidence that youth are fundamentally different from adults and are more likely to experience abuse, commit suicide, and be exposed to prolonged periods of isolation. Your Committee also finds this measure provides additional guidance and restrictions concerning any detention of a juvenile in an adult detention facility.

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. 386 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. 52 Judiciary on S.B. No. 29

The purpose and intent of this measure is to propose an amendment to article IX, section 6, of the Hawaii State Constitution to require the State to plan to provide enough housing to meet demand in its management of population growth.

Your Committee received testimony in support of this measure from Imua Alliance and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that during the coronavirus disease 2019 (COVID-19) pandemic, unemployment in Hawai'i has risen to historically high levels, and that the State is experiencing the slowest rate of unemployment recovery in the nation. Your Committee further finds that housing costs have increased during the COVID-19 pandemic. Your Committee additionally finds that these factors combined give rise to a looming eviction crisis. This measure proposes an amendment to the state Constitution to require the State to plan to provide sufficient housing as part of its management plan for state population growth, which will allow it to address such issues as the current housing emergency.

Your Committee has amended this measure by inserting the phrase "as provided by general law" at the end of the ballot question.

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. 29, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 29, 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 (Fevella). Noes, none. Excused, none.

SCRep. 53 Judiciary on S.B. No. 556

The purpose and intent of this measure is to specify that non-profit organizations with a current legislator on their governing board shall not be eligible to receive a grant pursuant to section 42F-103, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission, Department of Labor and Industrial Relations Office of Community Services, Common Cause Hawaii, Hawai'i Alliance of Nonprofit Organizations, and one individual.

Your Committee finds that the current state conflict of interest law applies differently to state legislators compared to other state employees in that state legislators are not specifically prohibited from taking official action affecting nonprofit organizations on which they serve as an officer or director. Your Committee further finds that restricting nonprofit organizations with a current legislator on the governing board from receiving grants under Chapter 42F, Hawaii Revised Statutes, will help avoid the appearance of conflicts of interest in the awarding of grant funds and promote integrity in state government.

Your Committee additionally finds that extending this restriction beyond nonprofit organizations and applying it to all individuals and organizations seeking a grant pursuant to section 42F-102, Hawaii Revised Statutes, will provide the public with further confidence that the grant process under Chapter 42F, Hawaii Revised Statutes, is a level playing field in which no applicant has an unfair advantage.

Your Committee has amended this measure by:

- (1) Changing the term "existing member of the legislature" to "current member of the legislature"; and
- (2) Applying the restriction against having a board member who is a current member of the legislature to all individuals and organizations who are potential grant recipients under section 42F-102, Hawaii Revised Statutes.

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. 556, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 556, 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. 54 Judiciary on S.B. No. 1196

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) Impose a penalty on employers that fail to timely furnish and file the wage and tax statement.

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

Your Committee finds that under existing law, there is no state penalty for an employer who fails to furnish an employee with their wage and tax statement or fails to file a copy of that statement with the Department of Taxation. Your Committee further finds that imposing a flat fee penalty would encourage compliance with the requirements of state tax law. Your Committee additionally finds that aligning state filing deadlines with those established by the Internal Revenue Service will benefit employers by providing them with a single filing deadline for all similar tax documents.

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. 1196, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1196, 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. 55 Judiciary on S.B. No. 401

The purpose and intent of this measure is to:

- (1) Increase the amount of the fine for campaign spending law violations that may be assessed against a noncandidate committee making only independent expenditures and that has received at least one contribution of more than \$10,000, or spent more than \$10,000, in an election period; and
- (2) Allow the Campaign Spending Commission to order that the 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, Common Cause Hawaii, and six individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that campaign contributions and expenditures by large, well-funded political committees have a significant effect on elections. Your Committee further finds that enforcement of campaign finance law violations against these committees is difficult due to the resources available to them. This measure will increase the ability of the Campaign Spending Commission to enforce campaign finance law violations against large political committees by significantly increasing the amounts of fines and provide that the Commission may order that the fines, or a portion of the fines, be paid from the personal funds of an officer of the committee.

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. 401 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, 7. Noes, none. Excused, none.

SCRep. 56 Judiciary on S.B. No. 403

The purpose and intent of this measure is to exempt candidates who are either unsuccessful or elected to office in a primary election from the requirement to file preliminary general reports for the following general election.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and one individual.

Your Committee finds that reporting requirements under campaign finance law are important to maintain transparency and fairness in elections. Your Committee further finds that preliminary reports are due throughout the spring, summer, and fall in the year of an election, and that the final two preliminary reports are due between the primary election and the subsequent general election. Your Committee additionally finds that requiring candidates who are either unsuccessful or who have been elected to office in a primary election to file preliminary reports between the primary and general election is wasteful and unnecessary.

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. 403 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, 7. Noes, none. Excused, none.

SCRep. 57 Ways and Means on S.B. No. 514

The purpose and intent of this measure is to dispose of excess general fund revenues, as required by article VII, section 6, of the Hawaii State Constitution.

Specifically, this measure:

- (1) Provides for an income tax credit to every resident individual taxpayer of the State;
- (2) Deposits an unspecified sum into the emergency and budget reserve fund; and
- (3) Deposits an unspecified sum into the other post-employment benefits trust fund.

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

Your Committee finds that when the balance of the general fund at the close of each of two successive fiscal years has exceeded five percent of the general fund revenues for both fiscal years, article VII, section 6, of the Hawaii State Constitution requires the Legislature to:

- (1) Provide for a tax refund or tax credit to the taxpayers of the State;
- (2) Make a deposit into one or more funds, which shall serve as temporary supplemental sources of funding for the State in times of an emergency, economic downturn, or unforeseen reduction in revenue; or
- (3) Appropriate general funds for the pre-payment of:
 - (A) Debt service of general obligation bonds issued by the State; or
 - (B) Pension or other post-employment benefit liabilities accrued for state employees.

Your Committee further finds that the required conditions have been met, and that this measure allows the Legislature to decide which of the three constitutionally mandated options is preferable.

Your Committee has amended this measure by clarifying that the income tax credit applies to taxable years beginning after December 31, 2020.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 514, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 514, 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, none.

SCRep. 58 Judiciary on S.B. No. 200

The purpose and intent of this measure is to clarify that candidates or other committee representatives as specified who make or receive contributions over a certain amount prior to an election are required to file a late contribution report only if the candidate is on the ballot in that election.

Your Committee received testimony in support of this measure from the Campaign Spending Commission. Your Committee received testimony in opposition to this measure from Common Cause Hawaii.

Your Committee finds that while contribution reporting requirements for candidate and noncandidate committees are vital to ensuring transparency and accountability in the election process, requiring candidates who are not on the ballot to file the late contributions report due on the third calendar day prior to an election is inefficient and provides negligible benefit to election integrity. Your Committee further finds that exempting candidates who are not on the ballot of an election from the requirement to file this report is consistent with the requirements under section 11-334, Hawaii Revised Statutes, for the filing of preliminary, final, and supplemental reports. Any contributions that would have been reflected on the late report will be reflected on the final or supplemental 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. 200 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, 7. Noes, none. Excused, none.

SCRep. 59 Judiciary on S.B. No. 662

The purpose and intent of this measure is to require that new income tax credits include a five-year sunset or a gradual reduction over a three-year period.

Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that the impact of changes to the tax code are not always immediately apparent at the time the change is established. Specifically, it is often difficult to precisely predict how well a tax credit might accomplish the effect for which it was created and what adverse impact it may have on the State's ability to collect revenue. Therefore, this measure requires that new income tax credits sunset after five years or gradually reduce to increase the integrity of Hawaii's income tax system.

Your Committee has amended this measure by:

- Clarifying that the sunset or gradual reduction requirement applies only to tax credits established or renewed after December 31, 2021;
- (2) Deleting unnecessary language relating to a trigger of legislative review; 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. 662, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 662, 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. 60 Human Services on S.B. No. 280

The purpose and intent of this measure is to further clarify the definition of an "assistance animal" by codifying the administrative definition, while also providing guidance for identifying adequate verification of the need for an assistance animal.

Your Committee received testimony in support of this measure from Hawaii Civil Rights Commission, Hawaii Disability Rights Center, and two individuals. Your Committee also received comments on this measure from Disability and Communication Access Board and Community Associations Institute.

Your Committee has found that to carry out Hawaii's constitutional mandate that no person shall be discriminated against in the exercise of their civil rights where a reasonable housing accommodation is requested by a disabled person, there is a need to clarify the process by which a request for an assistance animal can be verified. Your Committee further finds that codifying this administrative rule will assist applicants for rental housing when the need for the accommodation is not readily apparent.

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.B. No. 280 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; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 61 Human Services on S.B. No. 387

The purpose and intent of this measure is to protect children and minors who are being confined at detention and shelter facilities by defining specific conditions and time limits under which they may be confined.

Your Committee received testimony in support of this measure from the Judiciary of the State of Hawaii, Office of the Public Defender, Office of Youth Services of the State of Hawaii, Hawaii Disability Rights Center, ACLU Hawaii, and one individual.

Your Committee finds that over the past decade, Hawaii's juvenile justice system has undergone a major philosophical shift toward evidence-based and trauma responsive approaches for holding youth accountable for their conduct. In keeping with the significant advances in how to handle youth, facilities that rely on room confinement to control youth must also change their approach. Your Committee also finds that long periods of isolation have negative consequences for youth as they are especially vulnerable to the mental and emotional effects of room confinement. Room confinement poses a safety risk for youth, including the increased likelihood of self-harm, suicide, and retraumatizing those who were already victimized. Your Committee finds that codifying these confinement limitations will better protect children and minors.

Your Committee received comments from the Office of Youth Services regarding certain federal laws that apply to juvenile confinement. Accordingly, your Committee has amended this measure by:

- (1) Clarifying that confinement applies only to juveniles who commit non-status offenses;
- (2) Removing language for the purpose of limiting the period of confinement to comply with federal law;
- (3) Removing the reference to "shelter facility" as a place where a child may be held in room confinement;
- (4) Inserting an effective date of May 1, 2029; 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. 387, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 387, 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. 62 (Majority) Human Services on S.B. No. 22

The purpose and intent of this measure is to provide additional means by which minors may seek emergency shelter.

Your Committee received testimony in support of this measure from Hawaii Youth Services Network, Residential Youth Services and Empowerment, Hawaii Health and Harm Reduction Center, LGBT Caucus of the Democratic Party of Hawaii, and three individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of the Governor's Coordinator on Homelessness and the Department of Human Services.

Your Committee finds that there is often reluctance on the part of minors seeking no-cost emergency shelter due to their concerns about being reported to child welfare services or law enforcement, absent permission from their parents or other legal guardians. Your Committee further finds that permitting a minor to consent to these emergency services will reduce their exposure to harm on the streets.

Your Committee has amended this measure by:

- (1) Allowing the child welfare services branch to become involved with a youth even without a provider report suspecting child abuse or neglect to 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. 22, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 22, S.D. 1, and be referred to your Committee on Judiciary.

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

SCRep. 63 Agriculture and Environment on S.B. No. 337

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, University of Hawai'i System, Kauai Climate Action Coalition, Ka Ohana O Na Pua, Hawai'i Alliance for Progressive Action, Our Revolution Hawaii, Hawaii Farmers Union United Kona Chapter, Pesticide Action Network North America, Hawai'i Farm Bureau, Hawai'i SEED, Supersistence, Rooted Kekahi Me Ka Aina, and sixty-eight 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 Hawaii's agricultural lands.

Your Committee has amended this measure by:

- (1) Decreasing the reimbursement percentage incurred for cover crop seeds or green manure from one hundred percent to seventy-five percent to be consistent with past reimbursement programs and to reflect the finding that reimbursement programs are beneficial to the State when the farmer has an investment of time, money, and effort in the program's results;
- (2) Providing that applicants be screened and rated on the quality of their cover crop and green manure practices by a review panel comprising of representatives from the Department of Agriculture, University of Hawaii College of Tropical Agriculture and Human Resources, and industry organizations; 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. 337, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 337, 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. 64 Agriculture and Environment on S.B. No. 338

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 to increase access to local food.

Your Committee received testimony in support of this measure from the Department of Agriculture, Department of Health, Office of Planning, University of Hawai'i College of Tropical Agriculture and Human Resources, Hawai'i Primary Care Association, Manowaiopae Excellent Adventure Farm, Kauai Climate Action Coalition, Our Revolution Hawaii, Hawaii Cattlemen's Council, EcoTipping Points Project, Center for Getting Things Started, Americans for Democratic Action Hawai'i, Hawai'i Alliance for Progressive Action, Ulupono Initiative LLC, Land Use Research Foundation of Hawaii, Hawai'i Farm Bureau, Kauai Food Hub, Supersistence, Hawai'i SEED, Kahana Foundation, Hawaii Ulu Producers Cooperative, and forty-one individuals. Your Committee received comments on this measure from the Maui Chamber of Commerce.

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. Food hubs, as centrally located facilities with a business management structure that facilitates the aggregation, storage, processing, distribution, and marketing of locally grown produce, are an integral but missing piece of agricultural infrastructure required to achieve and sustain the doubling of local food production in Hawaii.

Your Committee also finds that state supported food hubs may give Hawaii's producers the opportunity to compete with local markets, while also remaining financially viable. According to the 2017 United States Department of Agriculture National Agricultural Statistics Service Census of Agriculture, of Hawaii's 7,238 farms statewide, sixty-six percent of farms are between one and nine acres, and seventy-eight percent of farms produce less than \$25,000 in sales. Hawaii's agricultural producer majority is small farmers who struggle with access to facilities and infrastructure to aggregate, process, and distribute products to local consumers and face high costs in land, labor, energy, and limited access to water supply for irrigation. Allowing small farmers to participate in larger markets will

ensure their economic survival and Hawaii's long-term ecosystem survival. Therefore, your Committee finds that 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) Inserting language to authorize the issuance of \$1,500,000 of general obligation bonds for fiscal year 2021-2022 for the Honalo Marshalling Yard;
- (2) Specifying that the appropriation of general obligation bonds shall be expended by the Department of 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. 338, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 338, 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. 65 Agriculture and Environment on S.B. No. 346

The purpose and intent of this measure is to prohibit the confinement of egg-laying hens in a cruel manner and prohibit business owners and operators from selling certain products made from animals confined in a cruel manner beginning on December 31, 2025.

Your Committee received testimony in support of this measure from the University of Hawai'i College of Tropical Agriculture and Human Resources, Friends of the Earth, Humane Society International, The Humane Society of the United States, Natural Resources Defense Council, Hawaiian Humane Society, World Animal Protection, Mercy for Animals, American Society for the Prevention of Cruelty to Animals, Animal Equality, Animal Outlook, Farm Sanctuary, The Human League, Compassion in World Farming, Animal Legal Defense Fund, Supersistence, and Center for Biological Diversity. Your Committee received testimony in opposition to this measure from the Department of Agriculture, Hawaiian Egg Company, Peterson's Upland Farm LLC, and one individual.

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. Additionally, battery cage facilities have been linked to high levels of air contamination from ammonia and hydrogen sulfide as well as organic compounds, large amounts of pesticide, and pharmaceutical residues that can be transported into nearby soil, causing groundwater pollution and contaminating surface waters. 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 notes the testifiers' concerns that requiring local egg producers to be one hundred percent cage free by 2025 may increase production costs, which can be passed onto the consumer and the insolvency of farms. Further, your Committee notes additional concerns surrounding the uncertainty of the meaning of the term "confinement in a cruel manner."

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 346, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 346, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

Signed by the Chair on behalf of the Committee.

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

SCRep. 66 Agriculture and Environment on S.B. No. 361

The purpose and intent of this measure is to provide a general excise tax exemption for certain food or food ingredients.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association, Iron Workers Stabilization Fund, Hawaii Farm Bureau, Maui Chamber of Commerce, and Retail Merchants of Hawaii. Your Committee received testimony in opposition to this measure from Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that Hawaii has the highest cost of living in the nation and food is a major expense for Hawaii families. Food insecurity affects one out of every eight residents. Additionally, Hawaii's general excise tax, applied to almost all goods and services, affects lower income and working-class individuals almost ten times greater than those in the top one percent of Hawaii income earners. This measure will provide the greatest effects of lower income and working class households in Hawaii, who spend a larger proportion of their income on food and other essential items. Your Committee further finds that the economic crisis caused by the coronavirus disease-2019 (COVID-19) pandemic has exacerbated the preexisting struggles faced by Hawaii families.

Your Committee notes the concerns of the Department of Taxation that the definitions of "food", "food ingredients", and "prepared foods" do not fully actualize the Legislature's desired goals of providing economic relief to struggling Hawaii families. Therefore, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

(1) Clarifying that the exemption from the general excise tax applies to the gross proceeds or income arising from the sale of eligible items under the Supplemental Nutrition Assistance Program, to provide the greatest relief to lower-income tax residents and encourage residents to eat healthy foods;

- (2) Making it applicable to tax years beginning after December 31, 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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 361, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 361, 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. 67 Agriculture and Environment on S.B. No. 479

The purpose and intent of this measure is to require the Department of Agriculture to collaborate with agricultural growers and researchers to develop and implement a program to safely distribute disease- and insect-free tropical plant materials to Hawaii farmers.

Your Committee received testimony in support of this measure from the Hawai'i Farm Bureau. Your Committee received testimony in opposition to this measure from the Department of Agriculture.

Your Committee finds that there are concerns within the State's agricultural community that certain diseases that affect tropical flowers and foliage grown in the State have caused a decline in this industry. When the local supply of tropical flowers and foliage cannot meet local needs, tropical flowers and foliage must be imported from foreign countries, which in turn carries an elevated risk of inadvertently introducing other dangerous insects and diseases to the State's farms and plant nurseries.

Your Committee has heard the concerns of the Department of Agriculture that this measure lacks a definition for tropical plant materials and could potentially turn the Department of Agriculture into an importer, breeder, producer, and distributor of tropical plant materials, creating direct competition with existing nurseries both in State and out-of-state that produce plants for sale in Hawaii. In addition, because the Department of Agriculture's Plant Quarantine Branch is charged with regulating the import of plants, the Department of Agriculture would have a conflict of interest as both the importer and regulator.

Your Committee has amended this measure by:

- (1) Requiring the Department of Agriculture to adopt rules by January 1, 2023, to specify the plant species and varieties that would need additional regulations, and establish quarantine requirements, diagnostic measures, and import requirements; 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. 479, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 479, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 68 Agriculture and Environment on S.B. No. 493

The purpose and intent of this measure is to establish the Hawaii agriculture and forest carbon positive incentive program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Green Infrastructure Authority, Office of Planning, Climate Protectors Coalition, Sierra Club of Hawaii, Supersistence, Environmental Caucus of the Democratic Party of Hawaii, and four individuals. Your Committee received comments on this measure from the Department of Agriculture, Department of Taxation, Tax Foundation of Hawaii, and Life of the Land.

Your Committee finds that the State's commitment to uphold the Paris Climate Accord and progress towards its goal of a zero emissions clean economy by 2045 requires a reduction of emissions, mitigation of greenhouse gases, and investing in carbon positive actions to mitigate the State's carbon footprint. Your Committee also finds that smaller land management plays a significant role in managing natural and agricultural resources and are in need of incentives to reduce their carbon emissions and increase carbon sequestration to help the State meet food security and carbon emission goals. Your Committee finds that this measure will streamline and fill in limitation gaps of existing programs aimed to help the State meet its carbon emission goals.

Your Committee has heard the concerns of the Department of Agriculture that the Department would need substantial assistance to acquire expertise in the development of compensation rates and carbon incentives contract terms, estimations of sequestration rates for priority sequestration activities, creation of the technical underpinning of compensation rates for sequestration activities, and conducting landowner outreach to oversee the program. Your Committee has also heard additional concerns about whether the Hawaii Green Infrastructure Authority is the appropriate agency to administer the program.

Your Committee has amended this measure by:

- (1) Inserting January 1, 2022, as the appropriation date of funds to ensure the proper functioning of the new barrel tax allocation to the newly established fund in conjunction with the Department of Accounting and General Services and Department of Budget and Finance; 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. 493, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 493, 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. 69 Agriculture and Environment on S.B. No. 512

The purpose and intent of this measure is to remove the \$10 per visit per day cap on the dollar-for-dollar match received by Supplemental Nutrition Assistance Program (SNAP) beneficiaries under the Hawaii Healthy Food Incentive Program, also known as the Double Up Food Bucks Program (DA BUX).

Your Committee received testimony in support of this measure from the Department of Agriculture; Department of Health; Department of Human Services; University of Hawai'i College of Tropical Agriculture and Human Resources; Executive Office on Early Learning; City and County of Honolulu Office of Economic Revitalization; Hawai'i Primary Care Association; Our Revolution Hawaii; Hawaii Food Industry Association; GreenWheel Food Hub; Kauai Women's Caucus; Chamber of Commerce Hawaii; Hawai'i Children's Action Network Speaks!; Sierra Club of Hawai'i; Lanakila Pacific; Ka Ohana O Na Pua; Aloha Harvest; Hawai'i Alliance for Community-Based Economic Development; American Heart Association; Wahiawa Health; Land Use Research Foundation; We Are One, Inc.; Hawaii Cattlemen's Council, Inc.; Hawai'i Alliance for Progressive Action; Ulupono Initiative LLC; Blue Zones Project; Hawai'i Public Health Institute; Hawai'i Farm Bureau; Kamehameha Schools; Hawai'i Community Foundation; Early Childhood Action Strategy; 'Ohana Health Plan; Local Food Coalition; Hawaii Appleseed Center for Law and Economic Justice; Hawai'i SEED; The Food Basket Inc.; Hawai'i Islands Food Bank; Hawaii Medical Service Association; Aloha Care; and seventy-four individuals.

Your Committee finds that Hawaii imports approximately ninety percent of its food and has food costs that are eighty-two percent higher than the national average. Dependence on food imports threatens the sustainability of food producers on the islands and places the entire population directly at risk of food shortages in the event of pandemics, natural disasters, and economic disruptions. Furthermore, with the highest cost of living in the nation, Hawaii has the highest unemployment rate of its residents. Due to the coronavirus disease-2019 (COVID-19) pandemic and the resulting unprecedented unemployment, there has been an increase in SNAP participation and an additional thirty thousand individuals will be eligible for SNAP benefits post-pandemic. Additionally, local food producers are losing about \$2,000,000 in estimated sales per week.

Your Committee also finds that the objectives of the DA BUX program are to increase SNAP household purchases of:

- (1) Hawaii-grown fruits and vegetables at grocery stores;
- (2) Hawaii-grown fruits and vegetables at farmers markets, mobile markets, and other produce retailers; and
- (3) Community-supported agriculture subscriptions exclusively sourced from Hawaii farms.

The DA BUX program has been instrumental in supporting local families and farmers; participating local grocers experienced significant increases in sales of local fruits and vegetables paid with SNAP benefits. As a result of previous efforts around the program between 2018 and 2020, the number of SNAP-participating households in Hawaii with access to a DA BUX retailer near their homes increased by two hundred seventy-two percent and at the end of 2020, the program expansion resulted in seventy-seven percent of all SNAP participating households having a DA BUX retailer within a reasonable shopping distance of their homes. Your Committee further finds that state investment into the DA BUX program can potentially generate an economic impact of \$15,400,000 and spur three times additional funding of \$7,500,000 to support farmers. State funds generate significant leverage to stimulate economic activity while advancing the State's objective of doubling local food production by 2030.

Your Committee further finds that this program helps low-income families double their purchasing power and improve access to affordable and healthy Hawaii grown produce; farmers to expand their customer base and increase their sales and farm profits, while stimulating farm expansion in both acreage and crop diversity to meet demand; and communities to build community food self-reliance, improve disaster resilience, and create economic opportunities to stimulate the local economy.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 512, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 512, 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. 70 Agriculture and Environment on S.B. No. 579

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist the House of Aloha Enterprises LLC, with planning, designing, constructing, and equipping facilities for the manufacturing and processing of certain products.

Your Committee received testimony in support of this measure from Mason Industries, LLC; House of Aloha Enterprises, LLC; Hawaii Master Food Preservers; and Hawaii Tropical Fruit Growers. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that House of Aloha Enterprises, LLC seeks to build a facility and expand existing facilities in the State to process value-added agricultural, advanced materials, sustainable, and fine art products. The facilities will provide automated packaging and bottling and will serve as the hub for coordinated shipping.

Your Committee has amended this measure by inserting language to clarify that the purpose of the special purpose revenue bond is to generate business in 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. 579, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 579, 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. 71 Agriculture and Environment on S.B. No. 668

The purpose and intent of this measure is to:

- (1) Rename the agricultural development and food security special fund as the land, aquaculture, freshwater, or sea-based food development and food security special fund; and
- (2) Expand the scope of the special fund to include land, aquaculture, freshwater, or sea-based food production.

Your Committee received testimony in support of this measure from the Hawai'i Farm Bureau and one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that Hawaii's aquaculture industry farm gate is valued at \$76,400,000, the third highest contribution to the economy in diversified agriculture. The current state environmental response, energy, and food security tax on each barrel or fractional barrel of petroleum product was intended to support critical investments in clean energy, local agricultural production, and environmental responses. Your Committee further finds that aquaculture is poised to make a significant contribution to the Governor's goal of doubling local food production. Therefore, the inclusion of aquaculture as allowable expenses of the barrel tax will allow for additional investment in foundational infrastructure and research, including helping farmers use research-based knowledge, achieving greater benefits for the Hawaii economy, providing healthy seafood for local markets and export, generating jobs, complementing tourism, and maintaining rural communities.

Your Committee notes the concerns expressed by the Department of Agriculture that the insertion of commercial fishermen broadens the fund's stakeholder group beyond the Department of Agriculture's jurisdiction since pelagic fisheries are under the federal jurisdiction of the National Oceanic and Atmospheric Association's National Marine Fisheries Service and freshwater and recreational fishing are regulated at the Department of Land and Natural Resources' Division of Aquatic Resources. Additionally, the allowable expenditures of special fund monies are tailored to serve agricultural or aquacultural users other than commercial fisheries, which vastly differ in their respective operational needs and challenges.

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. 668 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; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 72 Education on S.B. No. 508

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 testimony in support of this measure from the Ocean Tourism Coalition. Your Committee received comments on this measure from the Department of Education.

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. Yet, the ocean is a vital and essential part of everyone's life in Hawaii. This measure will educate fourth grade students on how to stay safe while enjoying being in the ocean.

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. 508 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. 73 Education on S.B. No. 1287

The purpose and intent of this measure is to require the Department of Education Food Services Branch to coordinate with the principals and vice principals of department schools to determine which school meal program offered by the United States Department of Agriculture is the best fit for the student body and campus of each school.

Your Committee received comments on this measure from the Department of Education.

Your Committee finds that during the early stages of the coronavirus disease 2019 (COVID-19) pandemic, there was an immediate closure of schools operated by the Department of Education. For many students, this closure had the unfortunate effect of not only missing in-person learning, but also missing the meals provided at school. The United States Department of Agriculture provided Grab N' Go meals as a supplement for students, but students living in rural areas were often not able to participate in this program due to the far commute or lack of available transportation. For this reason, many administrators, students, and parents have requested to be part of the Emergency Meals-To-You Program that sends food to students, but the Department of Education Food Services Branch has not allowed participation in this program to certain schools that have already been designated as a Department of Education feeding site. This measure will provide students with a meal program that works best for their needs.

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. 1287 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. 74 Education on S.B. No. 1384

The purpose and intent of this measure is to provide that the prohibition against serving two consecutive terms not to exceed eight consecutive years pursuant to section 26-34(a), Hawaii Revised Statutes, shall not apply to the representative of Hawaiian medium early learning providers' term limit. The prohibition would repeal on June 30, 2025.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, University of Hawaii Systems, 'Aha Pūnana Leo, Kūpuna for the Moʻopuna, Puakalehua Early Learning Consortium, Association of Hawaiian Civic Clubs, and thirty-six individuals. Your Committee received comments on this measure from the Executive Office of Early Learning and Early Learning Board.

Your Committee finds that the Early Learning Board provides crucial input, direction, and oversight necessary for the Executive Office on Early Learning to achieve its statutory responsibilities. Representatives on the Early Learning Board are reflective of the diversity of the early care and education field in Hawaii, providing unique and important input on how to best serve Hawaii's families and young children. The State has long recognized the value of its host culture and has taken such actions as designating a native Hawaiian language as one of its two official state languages and creating native Hawaiian immersion charter schools. This measure will allow for better, continued representation for Hawaiian early learning providers on the Early Learning Board.

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. 1384 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. 75 Education on S.B. No. 468

The purpose and intent of this measure is to repeal the school impact fee exemptions for nonresidential development and housing subject to the transient accommodations tax when seeking development in a designated school impact district requiring county subdivision approval, county building permit, or condominium property regime approval of the project.

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

Your Committee finds that the collection of school impact fees are necessary in areas of high growth to accommodate the increase in new families and school enrollments. Traditionally, certain types of development were exempt from school impact fees. However, nonresidential development and housing subject to transient accommodations tax within these emerging communities are found to impact the pace and scale of residential development, increasing the need for more public schools. This measure ensures that as communities grow through residential and other types of development, the resulting need for schools to be built and operate will be met

Your Committee notes that the Department of Education has expressed concerns regarding its authority to collect school impact fees. Your Committee requests that the Committee on Judiciary consider the concerns expressed by the Department of Education as this measure proceeds.

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. 468 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, 5. Noes, none. Excused, none.

SCRep. 76 Education on S.B. No. 703

The purpose and intent of this measure is to require two hours of annual in-service training in suicide prevention for all teachers, principals, and school counselors.

Your Committee received testimony in support of this measure from the Hawaii Disability Rights Center, E Ola Hou Prevent Suicide Maui County Task Force, and three individuals. Your Committee received comments on this measure from the Department of Education and Committee of the Prevent Suicide Hawaii Taskforce.

Your Committee finds that suicide is the fourth leading cause of death for children between the ages of ten and fourteen, and is the leading cause of death for young people between the ages of fifteen and twenty-four. The percentage of teenagers in Hawaii who plan to commit suicide and the percentage of teenagers who attempt suicide are among the highest in the nation. Your Committee therefore recognizes that there is a need to increase the number of individuals in educational institutions, such as teachers, principals, and school counselors, who are trained to identify youth at risk of suicide and refer those children to appropriate services, counseling, and intervention. The Jason Flatt Act, first passed in Tennessee in 2007, requires all educators to complete youth suicide awareness and prevention training every year as part of their state licensure to teach. Your Committee finds that it is the appropriate time for Hawaii to enact similar legislation.

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. 703 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. 77 Education on S.B. No. 1271

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) Require stipend fund repayments for the early childhood educator stipend program to be deposited into the early learning special fund.

Your Committee received testimony in support of this measure from the Executive Office on Early Learning, State Public Charter School Commission, Early Learning Board, Kaulanakilohana, Children's Action Network Speaks!, Early Childhood Action Strategy, National Association of School Psychologists, and three individuals. Your Committee received comments on this measure from the Department of Human Services and the Department of the Attorney General.

Your Committee finds that the demand for quality early care and education far exceeds the amount of available and qualified early childhood educators. The legislature also finds that preschool teachers are amongst the lowest paid occupations, making an average less than many non-skilled positions such as parking lot attendants. Moreover, it is difficult to attract individuals to this highly specialized field with such low pay and the common misperception that preschool teachers are babysitters. This measure will support those individuals seeking to become high-quality early childhood educators, thereby moving the State toward reaching its goal of increasing access to high-quality early learning programs.

Your Committee has amended this measure by:

- Specifying that a collection agency that is contracted by the Executive Office on Early Learning shall be allowed to collect a commission; 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. 1271, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1271, 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. 78 Education on S.B. No. 1385

The purpose and intent of this measure is to:

- Require the Department of Education to develop a reorganization plan to provide students and schools with centralized food and transportation services; and
- (2) Require the provision of locally produced food to increase in an unspecified percentage annually for five years.

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

Your Committee finds that currently, the overall program management and service delivery of public school food and transportation services are, for the most part, centralized. Reorganization to provide further centralization in both areas could lead to additional efficiencies and service improvements. Your Committee further finds that the implementation of centralized kitchens may also assist in increasing the procurement of foods directly from local farmers. Centralized kitchens will allow farmers to deliver food directly to one site for multiple schools within that area as opposed to having many delivery points across the islands, easing the burden of the farmers. Centralizing food services may therefore increase local farmer participation in bid solicitations and help to further the farm-to-school program's aim of increasing the procurement of local produce and food as contemplated. This measure will improve food and transportation services in schools and better provide healthy and locally grown food to students.

Your Committee has amended this measure by:

- Clarifying that the reorganization plan is to provide student and schools with centralized transportation services, not food services;
- (2) Specifying that the department of education is to develop a plan to provide students with locally produced food and that locally produced food that is purchased for school meals shall increase by five per cent annually until 2026;
- (3) Specifying that the report to the Legislature shall include food service delivery models customized to the needs of schools broken down by complex area;
- (4) Specifying that the report shall include information on how reorganization will look for efficiencies by reducing food waste, increasing school meal participation, and promoting a healthy menu; and
- (5) Specifying that the report shall also include projected cost-savings and increased student benefits such as healthier diets and increased nutrition knowledge.

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. 1385, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1385, 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. 79 Education on S.B. No. 702

The purpose and intent of this measure is to require the Committee on Weights to submit a report to the Legislature detailing any changes to the funding formula within thirty days of the change.

Your Committee received testimony in support of this measure from Ka Lei Papahi O Kakuhihewa. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that the Committee on Weights is responsible for, among other things, reviewing the issue and revising the formula to provide for the equitable distribution of funds to all of Hawaii public schools. Although there is major concern for insufficient funding for public schools, various Committees on Weights have recommended, and the Board of Education has approved, changes in the formula factor that has increased the weighted student formula base funding at schools. Because these changes affect the well-being of schools and students from all areas, it is important that the Legislature be made aware of such changes.

Your Committee has amended this measure by clarifying that any changes to the funding formula must be reported thirty days after the posting of the Committee on Weights final committee report indicating that the Board of Education has approved the recommended change to the funding formula.

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. 702, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 702, 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. 80 Education on S.B. No. 509

The purpose and intent of this measure is to:

- (1) Establish criteria for industry certification awards to public high schools and appropriates funds to the Department of Education to incentivize public high schools to encourage students to obtain industry-recognized certifications; and
- (2) Require the Department of Education to submit an annual report containing specified information about the progress of the incentivization effort.

Your Committee received testimony in support of this measure from the Chamber of Commerce Hawaii. Your Committee received comments on this measure from the Department of Education and Department of Labor and Industrial Relations.

Your Committee finds that the State has critical shortages of qualified local workers in sectors such as health, education, air travel, and technology. Due to the needs of the State's economy, Hawaii's public high schools should strategically prepare students for the workforce by encouraging industry certification in "high value" occupations, including jobs that have a high demand for competent and skilled employees, high potential for growth, and high wages. This measure will incentivize public high schools to encourage students to obtain industry certification in high value occupations.

Your Committee has amended this measure by:

- Specifying that the Hawaii P-20 Partnerships for Education, rather than the Department of Labor and Industrial Relations, shall provide an annual list of occupations that meet the high value employment criteria to the Department of Education upon its request; 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. 509, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 509, 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. 81 Transportation on S.B. No. 60

The purpose and intent of this measure is to authorize the issuance of special number license plates solely for electric vehicles. The fees from these plates will commemorate and support the Polynesian Voyaging Society (PVS).

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Department of Customer Services of the City and County of Honolulu, Polynesian Voyaging Society, and fifteen individuals.

Your Committee finds that the Legislature has from time to time authorized special decorative or commemorative license plates, the proceeds of which fund various causes and organizations. A prominent example of this is the popular Hawaii National Park license plates depicting Haleakala National Park or Volcanoes National Park, where a portion of the license plate fee is used to support Hawaii's national parks.

Your Committee further finds that PVS has great cultural and promotional value to the State and people of Hawaii. This measure will serve to commemorate PVS' alignment with and commitment to a sustainable future for the planet and will provide financial support that will help PVS continue their mission of perpetuating the art and science of traditional Polynesian voyaging and the spirit of exploration through programs that inspire students and their communities to respect and care for themselves, each other, and their natural and cultural environments.

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. 60 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 (English).

SCRep. 82 Transportation on S.B. No. 151

The purpose and intent of this measure is to amend the statewide traffic code, to replace the word "accident" with "collision" when referencing traffic incidents.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Strategic Highway Safety Plan, Department of the Prosecuting Attorney for the City and County of Honolulu, and Honolulu Police Department.

Your Committee finds that the use of the term "accident" when referring to a traffic collision or incident is outdated. The Honolulu Police Department (HPD) replaced the term "accident" with "collision" in their policies, procedures, and report writing more than a decade ago. Additionally, the National Highway Traffic Safety Administration (NHTSA) has encouraged everyone to use the term "collision" instead of "accident" when referring to incidents of vehicular collision. This measure amends the statewide traffic code to replace "accident" with "collision" to bring Hawaii in line with the NHTSA and HPD and provide consistency and clarity.

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. 151 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. 83 Transportation on S.B. No. 375

The purpose and intent of this measure is to commission a study to determine the feasibility of repairing or renovating the Kalaeloa Airport air traffic control tower.

Your Committee received testimony in support of this measure from the Department of Transportation and Transportation Committee of the Kapolei-Makakilo Neighborhood Board No. 34.

Your Committee finds that the Kalaeloa Airport air traffic control tower is old and outdated. The air traffic controllers from the Hawaii Air National Guard who currently operate the tower do so under a waiver from the Federal Aviation Administration. Your Committee also finds that the current tower cannot accommodate the anticipated future increase in air traffic and is presently unable to accommodate Instrument Flight Rules capabilities that are currently in operation at the Daniel K. Inouye International Airport (HNL) in Honolulu. This is problematic as the Kalaeloa tower is the designated backup tower for HNL in the event of a disaster, yet the Kalaeloa tower is not adequately equipped to perform that task. This measure will be the first step towards improving the Kalaeloa tower.

Your Committee notes the testimony from the Department of Transportation that, due to the procurement process they must adhere to, the Department would be unable to submit the results of the study by the 2022 deadline required by this measure.

Accordingly, your Committee has amended this measure by extending the date that the Department of Transportation is required to submit its findings and recommendations to the Legislature from twenty days prior to the convening of the Regular Session of 2022, to prior to the Regular Session of 2023.

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. 375, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 375, 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. 84 Transportation on S.B. No. 651

The purpose and intent of this measure is to rename Kahului Airport Access Road on Maui as Mayor Elmer F. Cravalho Way.

Your Committee received testimony in support of this measure from the Department of Transportation, Office of the Mayor of Maui County, two members of the Maui County Council, Maui Federal Credit Union, and nine individuals.

Your Committee finds that Maui currently does not have any roadways commemorating local politicians and their role in the modern history of Maui. Mayor Elmer F. Cravalho was the first mayor of Maui County and served in that role from 1969 until 1979. His career in Hawaii politics started in 1954 and he remained a civic leader until his passing in 2016. Your Committee believes that Mayor Cravalho has a clear connection to Maui's modern history and he should be remembered for his civil service by naming a highway in his honor.

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. 651 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 (English).

SCRep. 85 Transportation on S.B. No. 667

The purpose and intent of this measure is to eliminate the requirement of a front license plate for vehicles in Hawaii.

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

Your Committee finds that removing the requirement of a front license plate can reduce the counties' expense to purchase license plates by fifty percent and reduce the counties' storage requirements, but may prevent the rollout of red light cameras at intersections or other means of vehicle identification.

Your Committee has heard the concerns noted in the testimony of the Honolulu Police Department and Department of Transportation. However, your Committee feels this measure merits further discussion to see if solutions are possible.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 667, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 667, 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 (English).

SCRep. 86 Transportation on S.B. No. 772

The purpose and intent of this measure is to:

- (1) Establish special number license plates that commemorate forest and ocean conservation; and
- (2) The fees from these plates will be used to fund conservation efforts.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and City and County of Honolulu Department of Customer Services. Your Committee received comments on this measure from one individual.

Your Committee finds that the Legislature has from time to time authorized special decorative or commemorative license plates, the proceeds of which fund various causes and organizations. A prominent example of this is the popular Hawaii National Park license plates depicting Haleakala National Park or Volcanoes National Park, where a portion of the license plate fee is used to support Hawaii's national parks.

Your Committee further finds that state residents understand and appreciate the importance of the unique ecosystem that Hawaii provides. More specifically, residents appreciate the beloved native and endemic plants and animals of Hawaii, strongly believe that these resources must be preserved for future generations, and support opportunities to directly contribute to the conservation of these critical resources. This measure offers the people of Hawaii the opportunity to support the conservation of forests, beaches, and nearshore environments through the purchase of a special number license plate.

Your Committee has amended this measure by:

- (1) Requiring that the renewal fee amount be the same as the initial fee;
- (2) Specifying that funds deposited into the beach restoration special fund be used for beach and nearshore environmental cleanup; 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 S.B. No. 772, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 772, 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. 87 Transportation on S.B. No. 755

The purpose and intent of this measure is to require lessors of rental motor vehicles to include in the rental agreement an option for the lessee of a motor vehicle to contribute money to the Department of Land and Natural Resources for the preservation of the environment.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and The Trust for Public Land. Your Committee received testimony in opposition to this measure from Avis Budget Group and Enterprise Holdings.

Your Committee finds that the protection of natural resources is critical to the future of the State's tourism industry. However, the Department of Land and Natural Resources lacks the necessary funding to properly carry out its critical role as guardian of the environment. Other states have successfully used voluntary contribution check-off boxes to raise money for the protection of their natural resources. A similar program in Hawaii would raise funds for the State's own environmental management.

Your Committee has amended this measure by changing the effective date to January 1, 2023, to allow rental car companies time to update their processes to conform to 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 S.B. No. 755, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 755, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 88 Human Services on S.B. No. 48

The purpose and intent of this measure is to provide further protection to vulnerable minors and children by identifying solicitation of a minor for prostitution as a form of sex trafficking.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Maui Police Department; IMUAlliance; The Sex Abuse Treatment Center; and five individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and Harm Reduction Hawaii. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that incidents of sex trafficking throughout the State are increasing and that coercion as a means of committing the offense of sex trafficking is common. To provide additional protection for victims, Hawaii must strengthen its sex trafficking statutes by providing clarification to several provisions. Your Committee further finds that clarifying these provisions will assist law enforcement in its efforts to protect minors from sexual predators.

Your Committee has amended this measure by:

- (1) Removing language that would have repealed the statute of limitations for sex trafficking and promoting prostitution;
- (2) Changing the definition of "minor" in the sex trafficking statute to be consistent with other sections of the Hawaii Revised Statutes:
- (3) Changing the effective date to May 1, 2024; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee believes that the Committee on Judiciary is the more appropriate body to address whether to amend the statute of limitations for sex trafficking and promoting prostitution and requests that the Committee on Judiciary consider that issue as this measure moves forward.

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. 48, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 48, 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 (Ihara).

SCRep. 89 Energy, Economic Development, and Tourism on S.B. No. 596

The purpose and intent of this measure is to repeal language that has been interpreted to allow board members of the Hawaii Tourism Authority to hold office until the member's successor is appointed and qualified. Instead, it prohibits holdover board members from holding office beyond the end of the second regular session following the expiration of the board member's term of office.

Your Committee received comments on this measure from one individual.

Your Committee finds that holdover limitations for board members of the Hawaii Tourism Authority are important to reduce redundancy and limit the power and scope of members whose terms of office have expired. Your Committee also finds that the holdover limitations in section 26-34(b), Hawaii Revised Statutes, that allow a holdover member to potentially continue in office until the end of the second regular legislative session following the expiration of the member's term of office are too long and counterproductive. Therefore, your Committee finds that any holdover on the board of the Hawaii Tourism Authority should be limited to the beginning of the next regular legislative session following the expiration of the member's term of office.

Your Committee has amended this measure by:

- (1) Removing the holdover limitations subject to section 26-34(b), Hawaii Revised Statutes; and
- (2) Limiting the holdover status of a Hawaii Tourism Authority board members from holding office beyond commencement of the next regular legislative session, following the expiration of the member's term.

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. 596, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 596, 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. 90 Energy, Economic Development, and Tourism on S.B. No. 938

The purpose and intent of this measure is to specify that monies in the Tourism Emergency Special Fund are to be used exclusively for emergency measures directly related to safety and security initiatives necessary to respond to any tourism emergency.

Your Committee finds that it is important to provide dedicated funding specifically for responding to safety and security initiative during emergency situations involving 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 is in accord with the intent and purpose of S.B. No. 938 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. 91 Energy, Economic Development, and Tourism on S.B. No. 916

The purpose and intent of this measure is to specify that \$1,000,000 of the transient accommodations tax revenues currently allocated to operate a Hawaiian Center and the Museum of Hawaiian Music and Dance may also be used to plan, design, and construct these facilities at an unspecified location.

Your Committee received testimony in support of this measure from the Hawaii Tourism Authority, Royal Hawaiian Center, and one individual. Your Committee received comments on this measure from the Tax Foundation of Hawaii and one individual.

Your Committee finds that broadening the purposes for which the \$1,000,000 allocation of Transient Accommodations Tax revenue for a Hawaiian Center and the Museum of Hawaiian Music is necessary because it will allow the funds to be utilized for both the operations and the development of the Hawaiian Center.

Your Committee further finds that specifying the use of the allocation to include planning, design, and construction will sufficiently provide for the necessary infrastructural pre-requisites for the establishment of a Hawaiian Center and the Museum of Hawaiian Music and Dance. Your Committee also finds that identifying the general location for the Hawaiian Center and the Museum of Hawaiian Music and Dance is an important next step in moving the project forward.

Your Committee has amended this measure by adding Waikiki as the future location of the Hawaiian Center and the Museum of Hawaiian Music and Dance.

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. 916, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 916, 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. 92 Energy, Economic Development, and Tourism on S.B. No. 950

The purpose and intent of this measure is to require the 3.5 percent cap on spending from the Tourism Special Fund to also include all governance and employment expenses and organization-wide costs as administrative expenses.

Your Committee received comments on this measure from the Hawaii Tourism Authority.

Your Committee finds that including governance and employment expenses as well as organization-wide costs as administrative expenses provides clarity and transparency regarding spending from the Tourism Special Fund.

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. 950 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. 93 Energy, Economic Development, and Tourism on S.B. No. 225

The purpose and intent of this measure is to:

- Specify the cost of regional infrastructure improvements made by the Hawaii Housing Finance and Development Corporation
 by allowing an assessment against transit-oriented development projects specifically benefiting from the improvements; and
- (2) Require 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.

Your Committee received testimony in support of this measure from the Office of Planning and the Department of Business, Economic Development, and Tourism.

Your Committee finds that the cost of off-site infrastructure is a major barrier to the achievement of transit-oriented development potential statewide. This measure will help facilitate state investment in needed infrastructure by allowing the Hawaii Housing Development and Financing Corporation to recover costs to help offset the significant upfront costs of regional infrastructure.

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. 225 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. 94 Energy, Economic Development, and Tourism on S.B. No. 1353

The purpose and intent of this measure is to enhance the core responsibilities of the Hawaii State Energy office by:

- (1) Expanding the duties of the Hawaii State Energy Office to include identifying and pursuing opportunities for economic development; and
- (2) Transferring certain duties relating to energy efficiency, renewable energy, energy resilience, and clean transportation related incentives, programs, and goals from the Chief Energy Officer to the Hawaii State Energy Office.

Your Committee received testimony in support of this measure from the Hawaii Clean Power Alliance and SanHI Government Strategies. Your Committee received comments on this measure from the Hawaii State Energy Office.

Your Committee finds that this measure expands the duties of the Hawaii State Energy Office to include developing opportunities for economic opportunities through both the public and private sectors. Your Committee further finds that this measure transfers certain duties relating to energy efficiency, renewable energy, energy resilience, and clean transportation related incentives, programs, and goals from the Chief Energy Officer to the Hawaii State Energy Office. The transfer of duties will more clearly define the Chief Energy Officer's role in the State's ambitious goal to achieve one hundred percent renewable energy by 2045.

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. 1353 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. 95 Hawaiian Affairs on S.B. No. 717

The purpose and intent of this measure is to require the Department of Hawaiian Home Lands to digitize its applicant, beneficiary, and lessee records and create a usable digital database by July 1, 2022, to increase departmental efficiency and reduce abuse of lease awards by lessees.

Your Committee received testimony in support of this measure from four individuals. Your Committee received testimony in opposition of this measure from one individual. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that in June 2013, the Department of Hawaiian Home Lands began implementing an electronic document imaging system that converted applicant and lessee records to digital media to easily store, access, track, and share documents from a secure and central location with the intent of improving accessibility and inquiry wait times and allow for the preservation of original documents. Your Committee also finds that the current waitlist for leases under the Department of Hawaiian Home Lands has over twenty thousand applicants and applicants often wait years before receiving a lease offer. Your Committee further finds that digitizing the Department of Hawaiian Home Lands' applicant, beneficiary, and lessee records will increase the efficiency and transparency of this process.

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. 717 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. 96 Hawaiian Affairs on S.B. No. 1021

The purpose and intent of this measure is to prohibit the selling, transfer, conveyance, disposal, or offer for sale of any plot if the capacity limit is lower than ten when applied to burials prepared consistent with traditional Hawaiian cultural customs and practices.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources Hawaii State Aha Moku, Office of Hawaiian Affairs, Koʻolau Foundation, Koʻolaupoko Hawaiian Civic Club, and three individuals. Your Committee received testimony in opposition of this measure from the Hawaii Funeral and Cemetery Association, Inc. Your Committee received comments on this measure from the Department of Commerce and Consumers Affairs' Professional and Licensing Division.

Your Committee finds that Native Hawaiian burial practices are deeply integral to Hawaiian culture and identity. Native Hawaiian burial practices are vital to the preparation, as iwi (ancestral bones) are a lasting embodiment of ancestors and serve as a continuous genealogical link from the past, present, and future generations. Current state policy and cemetery and mortuary industry practices have prevented families from engaging in traditional burial practices in allowing their ancestors to be buried in culturally appropriate family-style burials.

Your Committee has heard the testimony of the Hawaii Funeral and Cemetery Association, Inc., concerning the lack of definition for "traditional Hawaiian burials." Additionally, the Association voiced reservations about disturbing already interred remains. Further, the Association provided practical considerations for interring multiple sets of remains in a single interment. Specifically, endowment care cemeteries design and map accordingly for casket burial and cremation disposition and proper cemetery design and

mapping utilize space within the cemetery. To increase the size of interments and comply with most cemetery standards imposes challenges for families and business operations. The Association also highlighted concerns about authorization for interment and the potential that cemeteries that are not regulated under the Department of Commerce and Consumer Affairs will be operating without organized supervision, which could lead to encroachment of other interments or existing interments.

Your Committee finds that the language in S.B. No. 982 (Regular Session of 2021), relates to traditional Hawaiian burials and addresses the concerns of providing an adequate definition for traditional Hawaiian burials.

Accordingly, your Committee has amended this measure by:

- (1) Inserting the contents of S.B. No. 982, a measure that:
 - (A) Clarifies the definition of "traditional Hawaiian burial" for enforcement purposes;
 - (B) Allows the Department of Health to accommodate traditional Hawaiian burial practices, such as alkaline hydrolysis or water cremation to promote the use of these practices;
 - (C) Amends the procedures for the resolution of disputes regarding the right of disposition and the right to rely and act upon written instructions in a funeral service agreement or similar document; and
 - (D) Provides for the disposition of a decedent's remains and recovery of reasonable expenses to include hydrolysis facilities and natural organic reduction facilities; and
- (2) Clarifying that an applicant of a cemetery authority license must provide documentation that the property on which the plot, niche, or crypt is located is dedicated to cemetery use and is free and clear of all encumbrances; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee further finds that the issues raised by the testifiers merit further consideration and requests that your Committee on Commerce and Consumer Protection further examine those issues and concerns regarding this measure.

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. 1021, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1021, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 97 Hawaiian Affairs on S.B. No. 981

The purpose and intent of this measure is to:

- (1) Change the maximum amount of public funds available to each candidate running for election to the office of State Senator, State Representative, County Council, and the Board of Trustees of the Office of Hawaiian Affairs to an unspecified percent of the expenditure limit established for each election; and
- (2) Increase the amount each candidate for the Board of Trustees of the Office of Hawaiian Affairs candidate must raise to qualify for public funds.

Your Committee received testimony in support of this measure from Common Cause Hawaii.

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 yet they 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 the Board of Trustees.

Your Committee notes that S.B. No. 238 (Regular Session of 2021), which was previously passed by the Senate Hawaiian Affairs Committee, also relates to election requirements for the Board of Trustees of the Office of Hawaiian Affairs. 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 to ensure that all candidates are properly listed, which corresponds to the voting position for the vote counting system. To mitigate any advantage that may arise from the order of candidate names on the ballot, S.B. No. 238 requires that the names of candidates for the Board of Trustees of the Office of Hawaiian Affairs be randomized on individualized ballots. Your Committee believes that elections should be transparent, inclusive, and accountable, and there must be equitable opportunities to compete in the elections for the Board of Trustees.

Therefore, your Committee has amended this measure by:

- (1) Adding the contents of S.B. No. 238, 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. 981, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 981, 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. 98 Hawaiian Affairs on S.B. No. 890

The purpose and intent of this measure is to amend the election process for the Office of Hawaiian Affairs Board of Trustees so that:

- (1) Of the four at-large seat candidates without an island residency requirement, two must reside in an urban district and two must reside in the rural district; and
- (2) One urban district candidate and one rural district candidate shall be elected in any election cycle.

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.

Your Committee finds that the population disparity between urban and rural residents generally results in the election of Office of Hawaiian Affairs Board of Trustees candidates who prioritize urban concerns over the concerns of rural residents. Your Committee further finds that because all Board of Trustees candidates participate in statewide elections, urban voters distort elections even for island-specific seats. Therefore, your Committee finds that removing the statewide element of Board of Trustees elections will ensure more accurate representation of and accountability to Office of Hawaiian Affairs constituents.

Your Committee has heard the concerns of the Department of the Attorney General that this measure eliminates the guarantee that the islands of Molokai and Kauai have a member, potentially violating article XII, section 5, of the Hawaii State Constitution which requires that Oahu, Kauai, Maui, Molokai, and Hawaii each have a seat on the Board of Trustees. The Department of the Attorney General also raised issues that this measure does not address how the nine-member Board of Trustees of the Office of Hawaiian Affairs will transition to the new board after the measure goes into effect on January 1, 2024.

Your Committee has amended this measure by:

- (1) Amending the language to ensure that the islands of Oahu, Kauai, Maui, Molokai, and Hawaii each have at least one member;
- (2) Clarifying when the terms of all four of the urban and rural district members will commence; 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. 890, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 890, 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. 99 Hawaiian Affairs on S.B. No. 715

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, on Hawaiian home lands.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands; Pueo Development, LLC; Waiohuli Hawaiian Homesteaders Association, Inc.; Board of Directors of the Waiohuli Hawaiian Homesteaders Association, Inc.; Hawaii Operating Engineers Industry Stabilization Fund; and three individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that on December 3, 2018, the Waihouli Hawaiian Homestead Association, Inc. submitted a land use request to the Department of Hawaiian Home Lands with a proposed master plan on approximately one hundred fifty acres for the development of residential and agricultural lots, economic and educational opportunities, energy projects, and water source development through collaboration and partnerships for career development and employment opportunities. A beneficiary consultation meeting was conducted on May 30, 2019, to collect beneficiary input and feedback on the land use request. In July 2019, a beneficiary consultation report was submitted to the Hawaiian Homes Commission who voted to approve the issuance of a Right of Entry permit to conduct the necessary due diligence and project feasibility. On January 7, 2020, Right of Entry permit #688 was issued to the Waiohuli Hawaiian Homesteaders Association, Inc.

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. 715, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 715, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 100 Hawaiian Affairs on S.B. No. 1121

The purpose and intent of this measure is to exempt any housing development developed by the Department of Hawaiian Home Lands from general excise taxes.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and one individual. Your Committee received comments on this measure from the Tax Foundation of Hawaii and one individual.

Your Committee finds that the Department of Hawaiian Home Lands provides housing at affordable rates when compared to similar housing available in Hawaii. However, the Department of Hawaiian Home Lands does not receive sufficient funding to develop house lots for all applicants on the waiting list. Additionally, the Department of Hawaiian Home Lands does not currently receive sufficient

funding to reduce the waiting list by ninety percent over the next decade. The Department of Hawaiian Home Lands has stated that it would take one hundred eighty-two years to meet the demand of the waitlist at its current rate. The Department of Hawaiian Home Lands has provided a conservative estimate of \$4,500,000,000 of infrastructure costs alone to develop twenty-eight thousand lots, without accounting for new land acquisition. To further the interest of beneficiaries, the Department of Hawaiian Home Lands proposes that its housing development projects be exempt from general excise taxes that will result in cost savings to assure economic feasibility which will ultimately make feasible the production of lower cost housing units.

Your Committee has heard the concerns of the Tax Foundation of Hawaii that the proposed exemption presented in this measure is similar to the affordable housing exemptions in sections 46-15.1 and 201H-36, Hawaii Revised Statutes. However, the proposed exemption in this measure appears to be more relaxed. The existing low-income housing exemption requires a regulatory agreement of a duration of at least five years for moderately rehabilitated projects, ten years for substantially rehabilitated projects, and thirty years for new projects. The Tax Foundation of Hawaii notes that because the Department can exempt any developer from the compliance agreement requirement and there are no standards for when the exemption may be exercised, this uncertainty may lead to arbitrary interpretations and applications of the exemption. The Tax Foundation also noted several existing benefits that are unique to residents of Hawaiian homesteads and comments that the proposed tax exemption would be "layered" upon those existing benefits.

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. 1121, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1121, 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. 101 Hawaiian Affairs on S.B. No. 978

The purpose and intent of this measure is to require certain public buildings near mass transit projects and on Hawaiian home lands to display portraits of Prince Jonah Kuhio Kalanianaole.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Hawaiian Civic Club of Honolulu, and one individual. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that Prince Jonah Kuhio Kalanianaole served a nineteen-year tenure in the United States Congress during which was passed the Hawaiian Homes Commission Act of 1921, under which the Department of Hawaiian Home Lands was created. Your Committee further finds that as 2021 is the centennial anniversary for the drafting of the Act, it is appropriate to honor Prince Kuhio's legacy as the author of the Hawaiian Homes Commission Act. This measure will require certain public buildings near mass transit projects and on Hawaiian home lands to display portraits of Prince Jonah Kuhio Kalanianaole to honor him.

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. 978, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 978, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 102 Hawaiian Affairs on S.B. No. 884

The purpose and intent of this measure is to amend the Hawaiian Homes Commission Act to:

- (1) Require appraisals of mortgages and improvements to identify the replacement cost or the leasehold market value;
- Grant authority to the Department of Hawaiian Home Lands to authorize second position loans on homestead leases by approved lenders;
- (3) 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
- (4) Require the Department of Hawaiian Home Lands to develop and implement a loan servicing manual, subject to Commission approval, to standardize loan loss mitigation policies, procedures, and methods.

Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee notes that title 43 Code of Federal Regulations part 48, as amended, outlines the process for amendments to the Hawaiian Homes Commission Act and whether Congressional approval is necessary. Your Committee is of the opinion that this measure does not require Congressional approval.

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. Additionally, your Committee finds that the Department of Hawaiian Home Lands does not receive sufficient funding to develop house lots for all applicants on the waiting list. The Department of Hawaiian Home Lands does not currently receive sufficient funding to reduce the waiting list by ninety percent over the next decade, leading to a lack of access resources for beneficiaries.

Your Committee finds that reforms have the potential of providing access to private capital to beneficiaries of the Department of Hawaiian Home Lands, revolve interest earnings to deploy capital to farms, ranches, and businesses on homesteads, and make significant strides to alleviate the waitlist. 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 Committee has heard the concerns of the Department of Hawaiian Home Lands that:

- (1) The Department of Hawaiian Home Lands homestead leases refer to the lessee's right to exclusive use and possession of a tract of Department of Hawaiian Home Lands land for a term of years and can only be owned by qualified beneficiaries, thereby, limiting the market for leaseholds; therefore, requiring appraisals of the Department of Hawaiian Home Lands leaseholds may put private lenders and federal agencies at odds with the requirements of the Hawaiian Homes Commission Act and their underwriting requirements and may lead to financial burdens to successors of Hawaiian Home leases;
- (2) The proposed amendments to section 210 of the Hawaiian Homes Commission Act to prohibit lease cancellation based solely on a loan delinquency or default, unless all loan servicing procedures identified in the loan servicing manual have been exhausted, fails to take into account the extensive lease cancellation process established with the Hawaiian Homes Commission; and
- (3) Authorizing second position loans could require additional sources of loan financing to existing lessees while nearly three times that number are awaiting a lease and financing for their homestead award.

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. 884, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 884, 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. 103 Hawaiian Affairs on S.B. No. 891

The purpose and intent of this measure is to:

- (1) Require that a majority of the members of the Hawaiian Homes Commission be beneficiaries who are on the waitlist;
- (2) Require quarterly reporting to the beneficiaries, registered homestead associations, and the Legislature on land dispositions and lease cancellations made during the quarter;
- (3) Authorize the Governor to establish an inter-agency council to address the purposes of the Hawaiian Homes Commission Act, and if convened, to meet at least three times per year;
- (4) Require an annual full accounting of Act 14, Special Session Laws of Hawaii 1995, expenditures;
- (5) Allow the Hawaiian Homes Commission or Department of Hawaiian Home Lands to retain independent legal counsel; and
- (6) Require the Legislative Reference Bureau to conduct a study on the implications of creating a position for the Director of Hawaiian Home Lands that is separate from the Chairperson of the Hawaiian Homes Commission.

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 the Attorney General. Your Committee received comments on this measure from the Legislative Reference Bureau 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. 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 Committee notes that the Department of Hawaiian Home Lands creates multiple reports and is encouraged to create a searchable database to allow those reports to be more easily located. Although the Department of Hawaiian Home Lands prepares extensive reports on a monthly basis to the Hawaiian Homes Commission and completes an independent and financial audit of its agency on an annual basis, your Committee encourages the Department to provide quarterly reports via email or its websites to increase transparency for its beneficiaries.

Your Committee has heard the concerns from the Department of the Attorney General that the Attorney General is best suited to provide legal advice in a cost effective and conflict-free manner to the Department of Hawaiian Home Lands. Additionally, private attorneys retained by the Hawaiian Homes Commission and the Department of Hawaiian Home Lands would not possess the necessary breadth of knowledge and experience available within the Department of the Attorney General.

Your Committee has also heard the concerns from the Legislative Reference Bureau about its lack of specific expertise in matters relating to the Hawaiian Homes Commission and executive personnel issue. As written, this measure does not provide other instructions on the potential organizational structure of the Department of Hawaiian Home Lands. Amendments to this measure are therefore necessary to address the concerns of the Legislative Reference Bureau.

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 and assist the Department's efforts in addressing issues posed by and facing beneficiaries subject to the cancellation process.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language from S.B. No. 2826, S.D. 1 (Regular Session 2020), that requires the Department of Hawaiian Home Lands to develop and implement a loan servicing manual, subject to approval by the Hawaiian Homes Commission;
- (2) Clarifying the parameters of the Legislative Reference Bureau study on the implications of creating a position for the Director of Hawaiian Home Lands separate from the Chairperson of the Hawaiian Homes Commission to include the following stipulations:
 - (A) The Governor shall appoint the Director of the Department of Hawaiian Home Lands;
 - (B) The Director of Hawaiian Home Lands shall be an ex-officio member of the Hawaiian Homes Commission;
 - (C) The Director of Hawaiian Home Lands shall not be eligible to be considered as the chairperson of the Hawaiian Homes Commission;
 - (D) The members of the Hawaiian Homes Commission shall choose the Chairperson from amongst their own members;
 - (E) The Director of Hawaiian Home Lands may veto major policy and budgetary decisions of the Hawaiian Homes Commission with written justification on its decisions; and
 - (F) The study shall consider the effectiveness, cost, and potential conflicts of interests (e.g., contested case hearings), and issues that may arise from this change in the governance structure of the Department of Hawaiian Home Lands;
- (3) Codifying Rule 10-4-60, Hawaii Administrative Rules, within the definition of "beneficiary consultation" as provided for in Section 201, Hawaiian Homes Commission Act, 1920, as amended;
- (4) Deleting references to the Hawaiian Homes Commission in the provisions discussing the need for independent counsel, since the term "department" as provided in Section 28-8.3(b), Hawaii Revised Statutes, includes any department, board, commission, agency, or officer of the State;
- (5) Restoring language that increases the members from four to five that are descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian Islands previous to 1778; 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 is in accord with the intent and purpose of S.B. No. 891, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 891, 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. 104 Hawaiian Affairs on S.B. No. 892

The purpose and intent of this measure is to:

- (1) Define "beneficiary consultation";
- (2) Prohibit 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 to the use and occupancy of a tract of Hawaiian home lands;
- (3) Require the Department of Hawaiian Home Lands to notify beneficiaries through beneficiary consultation prior to the disposition of Hawaiian home lands;
- (4) Prohibit the Department of Hawaiian Home Lands from establishing additional criteria to enter into a general lease with an applicant without notifying beneficiaries;
- (5) Specify that the Department of Hawaiian Home Lands may grant a license or enter itno a general lease with an applicant, under certain conditions;
- (6) Allocate the interest or earnings from the Hawaiian home loan fund and Hawaiian home general loan fund into their respective funds, under certain conditions;
- (7) Require the Department of Hawaiian Home Lands to submit a quarterly report to the Legislature and beneficiaries; and
- (8) Authorize 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.

Your Committee received comments on this measure from the Department of the Hawaiian Home Lands.

Your Committee notes that title 43 Code of Federal Regulations part 48, as amended, outlines the process for amendments to the Hawaiian Homes Commission Act and whether or not Congressional approval is necessary. Your Committee strongly believes that this measure does not require Congressional approval.

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. 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. Additionally, your Committee finds that the Department of Hawaiian Home Lands does not receive sufficient funding to develop house lots for all applicants on the waiting list. The Department of Hawaiian Home Lands does not currently receive sufficient funding to reduce the waiting list by ninety percent over the next decade, leading to a lack of access resources for beneficiaries.

Your Committee finds that these reforms have the potential to provide access to private capital for beneficiaries of the Department of Hawaiian Home Lands, revolve interest earnings to deploy capital to farms, ranches, and businesses on homesteads, and make significant strides to alleviate the waitlist.

Your Committee notes the concerns of the Department of Hawaiian Home Lands, including:

- (1) The unnecessary need for an additional definition of "beneficiary consultation";
- (2) Concerns surrounding the proposal and elevation of the interest of lessees and homestead associations over the interests of applicants on the waitlist and Hawaiian Homes Commission Act Beneficiary Associations;
- (3) Conflicting provisions surrounding establishing additional criteria to enter into leases with applicants;
- (4) The unnecessary need for the allocation of the interest or other earnings from the Hawaiian home loan fund and Hawaiian home general funds into their respective funds; and
- (5) The unnecessary need for the Department of Hawaiian Home Lands to negotiate with homestead association governed water agencies to maintain water systems prior to other service providers since the department already has an agreement in place with regard to water maintenance.

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. 892, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 892, 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; Ayes with Reservations (Keohokalole). Noes, none. Excused, none.

SCRep. 105 Commerce and Consumer Protection on S.B. No. 329

The purpose and intent of this measure is to remove the publication requirement and permit the board of directors of a condominium association to proceed directly to the sale, storage, donation, or disposal of personalty that has been abandoned in or on the common elements of a condominium when the identity or address of the owner is unknown.

Your Committee received testimony in support of this measure from Community Associations Institute, Associa, Palehua Townhouse Association, Honolulu Tower AOAO, and three individuals.

Your Committee finds that abandoned bicycles, surfboards, appliances, furniture, and other personal items left on common elements of condominium property is a frequent problem. Abandoned personal property is often an eyesore and can create safety hazards for other residents, especially when space is limited. The current process to dispose of abandoned items is burdensome, costly, and lengthy. This measure simplifies the process for boards to more easily dispose of abandoned property and eliminates the requirement of publishing expensive notices in the newspaper.

Your Committee has amended this measure by clarifying that the board shall provide thirty, rather than sixty, days' written notice to a known owner before selling, storing, donating, or disposing of the personalty.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 329, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 329, 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 (Misalucha).

SCRep. 106 Commerce and Consumer Protection on S.B. No. 601

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;
- (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; and

(3) 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 a public adjuster license.

Your Committee received testimony in support of this measure from the National Insurance Crime Bureau, National Association of Mutual Insurance Companies, and State Farm Mutual Automobile Insurance Company. Your Committee received testimony in opposition to this measure from the Roofing Contractors Association of Hawaii. Your Committee received comments on this measure from the Contractors Licensing Board.

Your Committee finds that contractor fraud, particularly involving roofing and roofing-related practices, is a widespread problem, and Hawaii is no exception. Often, in the aftermath of major storms or catastrophes, unscrupulous and aggressive contractors use the opportunity to prey on already vulnerable consumers who may be pressured into signing a binding contract for work that is later determined unnecessary by an insurance adjuster. Insurance claims can then be denied, leaving consumers contractually obligated to pay for repairs they did not need and cannot afford. This measure models legislation that has been adopted in over twenty other states to help prevent Hawaii citizens from being scammed into entering into deceptive roofing repair contracts.

Your Committee notes the concerns raised in testimony in objection to this measure that this measure allows insureds to rescind contracts with roofing contractors within five business days, but that a three-day recission period is already required for door-to-door sales. Your Committee finds that this apparent discrepancy merits further consideration and requests that your Committee on Judiciary further examine this issue and the concerns raised by the testifiers on this measure.

Your Committee has amended this measure by:

- (1) Amending the definition of "roofing contractor" to clarify a roofing contractor means a person, independent contractor, or subcontractor whose scope of practice includes roofing and roofing-related services;
- (2) Deleting language that would have allowed the Contractors License Board to revoke, suspect, or refuse to renew a contractor's license if the contractor performs as a public adjuster without a public adjuster license;
- (3) Updating 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 601, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 601, 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. 107 Commerce and Consumer Protection on S.B. No. 162

The purpose and intent of this measure is to specify that the amount of damages recoverable by a tenant subjected to an unlawful retaliatory eviction is equal to two months' rent.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and Imua Alliance. Your Committee received testimony in opposition to this measure from the Collection Law Section of the Hawaii State Bar Association. Your Committee received comments on this measure from one individual.

Your Committee finds that a number of other states have statutory minimum damage awards for tenants who are illegally retaliated against for asserting their lawful rights to request that repairs be made to their rental property or for complaining about health or safety code violations. This measure is in the best interest of justice and establishes a statutory minimum damage award for tenants to further deter unscrupulous landlords from engaging in wrongful conduct.

Your Committee notes the concerns raised in testimony that the State already recognizes the defense of retaliatory eviction in a summary possession action, which a court will consider prior to ruling on whether to allow the tenant to stay. Accordingly, amendments to this measure are necessary to clarify that the statutory minimum damage award contemplated by this measure should be allowed only if the courts were not involved in the eviction, further discouraging "self-help" evictions by landlords who do not first seek court permission before evicting tenants.

Your Committee has therefore amended this measure by:

- (1) Clarifying that a tenant who has been involuntarily dispossessed by an unlawful retaliatory eviction, without a court order, is entitled to recover damages in an amount equal to two months' rent and the cost of suit, including reasonable attorney's fees; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 162, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 162, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 108 Energy, Economic Development, and Tourism on S.B. No. 80

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

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 requires the Bureau of Conveyance to amend its rules to establish a new fee schedule for certain general, land court, and regular system fees in order to:

- (1) Assist local residents in participating in the Hawaii housing market by modifying fees charged by the Bureau of Conveyances;
- (2) Stimulate growth of the local economy by promoting homeownership for residents; and
- (3) Provide increased revenues for the Bureau of Conveyances to maintain its operation.

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 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. 80, as amended herein, and recommends that it be recommitted to your Committee on Energy, Economic Development, and Tourism in the form attached hereto as S.B. No. 80, S.D. 1, for further consideration.

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

SCRep. 109 (Majority) Hawaiian Affairs on S.B. No. 877

The purpose and intent of this measure is to:

- (1) Allow the Hawaiian Homes Commission and Department of Hawaiian Home Lands to retain independent legal counsel;
- (2) Authorize the Hawaiian Homes Commission and 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
- (3) Provide that funds owed 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 and two individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General.

Your Committee finds that the Department of Hawaiian Home Lands has a trust duty to its beneficiaries under the Hawaiian Homes Commission Act and in the fulfillment of this trust responsibility, the Department of Hawaiian Home Lands may at times be at odds with the interest of the State. The Department of Hawaiian Home Lands seeks to be assured that its counsel provide legal advice strictly in the interest of the Department and remove any appearance of a conflict of interest as a result of representation by the Department of the Attorney General, which represents the State of Hawaii.

Your Committee further finds that twenty-one other state agencies currently have the autonomy that this measure would provide to the Hawaiian Homes Commission and Department of Hawaiian Home Lands. Your Committee also notes its concern that there are currently no limits to the cost of independent legal counsel for the state agencies that retain such counsel.

Your Committee has heard the concerns from the Department of Attorney General that the Attorney General is best suited to provide legal advice in a cost effective and conflict-free manner to the Department of Hawaiian Home Lands. Additionally, private attorneys retained by the Hawaiian Homes Commission and the Department of Hawaiian Home Lands may not possess the necessary breadth of knowledge and experience available within the agency. In *State v. Klattenhoff*, 801 P.2d 548 (1990), the Hawaii Supreme Court ruled that the Department of Attorney General may assign deputies to represent agencies that have competing interests, and the Department has done this in past cases to ensure that all client agencies are vigorously and separately represented.

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

SCRep. 110 Commerce and Consumer Protection on S.B. No. 1232

The purpose and intent of this measure is to establish a three-year surcharge on the liquor tax, to repeal on June 30, 2024.

Your Committee received testimony in support of this measure from the Hawai'i Alcohol Policy Alliance, Hawaii Substance Abuse Coalition, Hawaii Fetal Alcohol Spectrum Disorder Action Group, Maui Chapter of the State of Hawai'i Organization of Police Officers, Hawaii Chapter of Mothers Against Drunk Driving, Hawaii State Teachers Association, and fourteen individuals. Your Committee received testimony in opposition to this measure from the Maui Chamber of Commerce; Retail Merchants of Hawaii; Legislative Action Center; Hawaii Food Industry Association; Lanikai Brewing Company; Mahalo Aleworks; Hawaiian Craft Brewers Guild; Maui Brewing Co.; Kauai Island Brewing Co.; Wine Institute; Hana Koa Brewing Co.; Kauai Beer Company; Ola Brewing Co.; Waikiki Brewing Company; Beer Lab Hawaii; Maui Wine, Ltd.; Big Island Brewhaus; and nine individuals. Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that alcohol consumption and heavy drinking has increased during the pandemic and will likely remain high post-pandemic. Excessive alcohol consumption poses significant health risks and costs money to our community. Treatment funds are being slashed in Hawaii, and funds are needed to help the economy recover. Additionally, increasing taxes on alcohol has lagged compared to other commodities. The temporary surcharge proposed by this measure would be paid only by those who consume alcohol, not the general public. According to testimony, it is estimated that over \$62 million would be generated in state revenues if a modest ten cent per alcoholic beverage surcharge were imposed over the next three years. These funds would help reduce excessive use of alcohol and its related consequences.

Your Committee notes the testimony of the Department of Taxation that this measure could be amended to instead increase the perwine gallon liquor tax rates currently found in the applicable statute, rather than impose a separate per drink surcharge, to accomplish the same effect. Your Committee requests that your Committee on Ways and Means further examine this approach, if necessary, to clarify the desired objective of this measure.

Your Committee has amended this measure by:

- (1) Inserting an amount of \$0.10 for the per drink surcharge proposed by this measure; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1232, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1232, 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. 111 Commerce and Consumer Protection on S.B. No. 563

The purpose and intent of this measure is to prohibit a commercial landlord from initiating or continuing any action to evict or collect unpaid rent from a commercial tenant that has been adversely impacted by the economic effects of coronavirus disease 2019 (COVID-19) or official measures intended to mitigate the spread of COVID-19, to repeal July 1, 2022.

Your Committee received testimony in support of this measure from Vision Design Kitchen and Bath, LLC dba Poggenpohl Kitchens Hawaii; Leading Importers, LLC; and twelve individuals. Your Committee received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii; NAIOP Commercial Real Estate Development Association; Ka Makana Ali'i Shopping Center; Kapolei Hawaii Property Company, LLC; Kapolei Shops, LLC; Hawaii Bankers Association; International Council of Shopping Centers; Building Owners and Managers Association of Hawaii; and seven individuals. Your Committee received comments on this measure from the Hawai'i Lodging & Tourism Association, Retail Merchants of Hawaii, and Pacific Islands Institute.

Your Committee finds that, due to the negative economic effects of COVID-19 over the past year, small businesses across the State have continued to struggle and many have been forced to close permanently. Reports have indicated that Hawaii has one of the highest rates of small business closures at twenty-five percent, many of which were landmarks in their communities. In many cases, local and federal assistance has not been sufficient to bridge the gap between the reduction in sales or business income and high rent expenses. Several jurisdictions across the country have taken measures to protect commercial tenants and due to the uncertain nature of the COVID-19 pandemic and the significant, prolonged economic disruption it has had on Hawaii's small businesses, emergency measures are necessary to support recovery and survival of Hawaii's small businesses, and the State's economy as a whole.

Your Committee has amended this measure by:

- (1) Clarifying that an impacted commercial tenant shall not have a subsequent option to terminate the lease pursuant to the terms of this measure at a later date if the impacted commercial tenant and commercial landlord reach an agreement, regardless of whether the agreement is made pursuant to the terms of this measure or any other process;
- (2) Inserting definitions for "COVID-19" and "paycheck protection program loans";
- (3) Clarifying that "impacted commercial tenant" shall additionally mean a commercial tenant who has applied for a paycheck protection program loan in the calendar years 2020 and 2021;
- (4) Specifying the criteria to qualify as an "impacted commercial tenant" to include a commercial tenant who has experienced a decline of twenty-five percent or more in average monthly revenue over the two most recent calendar months when compared to other certain averages; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 563, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 563, 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 (Misalucha, Riviere, San Buenaventura, Fevella). Noes, none. Excused, none.

SCRep. 112 Commerce and Consumer Protection on S.B. No. 576

The purpose and intent of this measure is to:

- (1) Require licensed used motor vehicle part dealers to obtain a written statement by a seller of a catalytic converter that the seller has the lawful right to sell and dispose of the catalytic converter;
- (2) Require a seller of a catalytic converter to present a receipt or notarized declaration regarding the catalytic converter;
- (3) Prohibit a licensed used motor vehicle part dealer from purchasing a catalytic converter with no receipt or notarized declaration and to report the attempted sale to the police; and
- (4) Establish the offense of theft of catalytic converter as a class C felony.

Your Committee received testimony in support of this measure from the City and County of Honolulu Police Department, American Property Casualty Insurance Association, National Insurance Crime Bureau, and Poi Dogs & Popoki. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that catalytic converter theft is on the rise, in part due to the increase in prices associated with precious metals that are used in the construction of catalytic converters, the relative ease and speed in which a thief can remove a catalytic converter, and the money a thief can reap in selling scrap metal. Currently, police departments are ill-equipped to conduct enforcement in this area due to the lack of strong legislation that addresses this issue. Installing a replacement catalytic converter can cost several hundreds to several thousands of dollars, and the hasty removal of a catalytic converter can cause additional repair costs. Therefore, this measure requires scrap dealers to follow certain requirements and establishes the theft of a catalytic converter as a class C felony to help deter the increasing proliferation of this crime.

Your Committee has amended this measure by:

- (1) Clarifying that a person commits the offense of theft of catalytic converter if the person obtains a catalytic converter through any means described in section 708-830, Hawaii Revised Statutes, or the provisions being added to chapter 289, Hawaii Revised Statutes:
- (2) Removing language that would have established minimum penalties for theft of catalytic convertors, and inserting language clarifying that theft of a catalytic converter is a class C felony;
- (3) Inserting a savings clause;
- (4) Inserting an effective date of July 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 576, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 576, 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. 113 Commerce and Consumer Protection on S.B. No. 191

The purpose and intent of this measure is to:

- (1) Provide a process for associations to incorporate power of sale language into governing documents; and
- (2) Clarify that the explicit grant of power of sale to associations is not required for the purposes of enforcing association liens under the association alternate power of sale foreclosure process.

Your Committee received testimony in support of this measure from Community Associations Institute, Associa, Palehua Townhouse Association, and four individuals. Your Committee received testimony in opposition to this measure from Hui 'Oai'i'o, Condo Owners Coalition of Hawaii; and two individuals.

Your Committee finds that Act 282, Session Laws of Hawaii 2019, expressed the legislative intent that condominium associations have authority to use a nonjudicial foreclosure process when owners default on their financial obligations to their fellow owners. Courts have nonetheless cast doubt on previous legislative action and have insisted that "power of sale" language must be contained within the governing documents of a condominium association before a nonjudicial foreclosure process may be used. Because the courts have not honored this longstanding legislative intent, additional legislation is necessary. Accordingly, this measure strictly prescribes how a condominium association may incorporate "power of sale" language into its governing documents and further provides owners with an "opt out" mechanism to address potential impairment of contract concerns.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 191, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 191, 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 (Misalucha).

SCRep. 114 Commerce and Consumer Protection on S.B. No. 764

The purpose and intent of this measure is to add a lifetime commercial driver's license disqualification for a commercial driver's license or commercial learner's permit holder who is convicted of a felony involving a severe form of trafficking in persons.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Transportation Association, Hawaii Strategic Highway Safety Plan, and one individual.

Your Committee finds that recent Federal Motor Carrier Safety Administration rule changes permanently disqualify individuals who have been convicted of a felony involving severe forms of human trafficking from driving commercial motor vehicles. This measure further advances policies to combat human trafficking and will bring the State into substantial compliance with the federal regulations.

Your Committee has amended this measure by:

- (1) Clarifying that the examiner of drivers shall permanently disqualify any person from driving a commercial motor vehicle for life with the possibility of reinstatement, if the person uses a commercial motor vehicle in the commission of a felony involving a severe form of trafficking in persons; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 764, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 764, 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. 115 Commerce and Consumer Protection on S.B. No. 609

The purpose and intent of this measure is to:

- (1) Provide veterinarians who provide emergency care to an animal immunity from civil liability in the absence of gross negligence;
- (2) Provide veterinarians who render emergency treatment when there is no veterinarian-client-patient relationship immunity from civil liability in the absence of gross negligence; and
- (3) Require veterinarians to report events of animal injury, death, or abuse to law enforcement where there is reasonable cause to believe that it relates to dog fighting or animal abuse and gives veterinarians immunity for civil liability for making the reports.

Your Committee received testimony in support of this measure from the Hawaiian Humane Society, Hawaii Veterinary Medical Association, Hawaii Association of Animal Welfare Agencies, Pono Advocacy, Animal Interfaith Alliance, Humane Society Veterinary Medical Association, and forty-seven individuals. Your Committee received comments on this measure from the Hawaii Board of Veterinary Medicine.

Your Committee finds that, under existing law, if an animal is taken to a veterinarian with non-life threatening injuries, and there is no owner present or a current established veterinarian-client-patient relationship, veterinarians are only permitted to provide pain medications and antibiotics for a certain number of days, depending on whether the animal is microchipped. In some of these situations, veterinarians have to wait to perform important surgeries or other essential procedures to provide animals with necessary relief. Accordingly, this measure allows a veterinarian to be a "good Samaritan" and provide emergency care outside of a valid veterinarian-client-patient relationship, while also protecting against civil liability when acting in this role in the time of an emergency to assist the animal in need. This measure also provides justified guidance to practicing veterinarians on reporting acts of animal abuse, cruelty, and staged fighting, similar to the laws in place for over twenty other states in the country. Reporting such events to law enforcement is beneficial to the community at large, as multiple studies have shown a link between perpetrators of animal abuse and domestic or child abuse, and other acts of violence. This measure is therefore important to help advance these significant public interests.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 609 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, 7. Noes, none. Excused, none.

SCRep. 116 Commerce and Consumer Protection on S.B. No. 1241

The purpose and intent of this measure is to require any express carrier company, common or contract carrier, or other person that transports liquor from outside the State for delivery in the State to prepare and file a monthly report with the liquor commission or liquor control adjudication board of each county in which deliveries are made.

Your Committee received testimony in support of this measure from Hawaii Liquor Wholesalers Association. Your Committee received testimony in opposition to this measure from the Hawaiian Craft Brewers Guild; Maui Brewing Co.; Lanikai Brewing Company; and Maui Wine, Ltd. Your Committee received comments on this measure from Matson Navigation Company, Inc.

Your Committee finds that state law allows wine producers outside of the state to direct ship to consumers within the State. Other states that allow direct shipment have found, through carrier reporting, that large amounts of liquor have been shipped into their states without payment of liquor, excise, and income taxes, resulting in loss of tax revenue to the states. Illegal shipments of liquor hurt Hawaii's economy and can result in loss of income and jobs to local residents. This measure would require the carriers of liquor to report the amount of statewide liquor being shipped and shipper information to the liquor commission or liquor control adjudication board, who can determine and analyze the shipments made to each county and confirm whether the shipper has complied with the requirements to obtain a direct shipper permit and paid all required taxes.

Your Committee has amended this measure by clarifying that this measure does not extend to water carriers as defined and regulated by the Surface Transportation Board of the United States.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1241, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1241, 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. 117 Commerce and Consumer Protection on S.B. No. 565

The purpose and intent of this measure is to expand the definition of "beer" to specify an alcohol by volume of no less than 0.5 percent and to include alcoholic seltzer beverages.

Your Committee received testimony in support of this measure from Kauai Beer Co., Maui Brewing Co., Beer Lab Hawaii, Hawaiian Craft Brewers Guild, Hana Koa Brewing Co., Koholā Brewery, Mahalo Aleworks, Big Island Brewhaus, Waikiki Brewing Company, and two individuals. Your Committee received testimony in opposition to this measure from the Wine Institute. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the existing statutory definition of "beer" is limited and does not reflect the public's perception of beer in the current marketplace, or adequately represent the unique aspects of craft beer ingredients that brewers use to develop new products and new offerings, such as gluten-free beer or beer with alternative grain ingredients, which are becoming more popular across the United States. Furthermore, this definition is not the same as the federal definition, which includes a broader range of substitutes or additions to malted barley and fermentable sugars. This measure will help foster the creation of new and unique styles of beer that are well-suited for the inclusion of Hawaii-grown products and will have a significant benefit for local, small, independent craft breweries across the State.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 565, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 565, 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. 118 Commerce and Consumer Protection on S.B. No. 922

The purpose and intent of this measure is to:

- Limit the period of years that criminal convictions may be used by the liquor commission in review of an application to the
 most recent ten years; and
- (2) Mandate an applicant to disclose specific disqualifying convictions related to certain federal or state laws related to products regulated pursuant to certain provisions of the Internal Revenue Code or the Federal Alcohol Administration Act.

Your Committee received testimony in support of this measure from the Hawaiian Craft Brewers Guild and two individuals.

Your Committee finds that existing law requires liquor license applicants (and, in certain instances, the officers and board of directors of companies who are designated as decision-makers regarding the sale or purchase of liquor) to report any conviction other than minor traffic violations going back to eighteen years of age, which exceeds requirements established by the federal government. This requirement is overly burdensome and can have the effect of discouraging business or employment. This measure establishes a ten-year lookback period for criminal convictions, which is the standard for many other applications, while still mandating an applicant to disclose specific disqualifying convictions from any time related to products regulated pursuant to certain provisions of the Internal Revenue Code and Federal Alcohol Administration Act to better serve the public interest.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 922, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 922, 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. 119 Commerce and Consumer Protection on S.B. No. 35

The purpose and intent of this measure is to:

- 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 and Imua Alliance. Your Committee received testimony in opposition to this measure from the Collection Law Section of the Hawaii State Bar Association, Hawai'i Association of REALTORS, and one individual.

Your Committee finds that the most common complaint received by the Department of Commerce and Consumer Protection's Landlord-Tenant Information Center concerns landlords failing to make repairs in a timely manner. Under existing state law, a tenant has the legal right to request necessary repairs without being evicted, and if the landlord does not respond in a certain number of days, the tenant may deduct up to \$500 from the following month's rent for the cost of repairs. However, the cost to repair conditions that

materially affect health and safety can exceed \$500, leaving a tenant with limited recourse. This measure will help incentivize landlords to keep their rental units safe and sanitary, establishes a clear standard of damages for tenants who fall victim to retaliatory evictions, and will deter unscrupulous landlords from engaging in unlawful conduct.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2124, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection 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 pass Second Reading in the form attached hereto as S.B. No. 35, 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 (San Buenaventura). Noes, none. Excused, none.

SCRep. 120 Commerce and Consumer Protection on S.B. No. 606

The purpose and intent of this measure is to temporarily halt nonjudicial foreclosures by condominium associations until June 30, 2023.

Your Committee received testimony in support of this measure from one member of the Maui County Council; Imua Alliance; Hui 'Oia'i'o, Condo Owners Coalition of Hawaii; and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Bar Association Collection Law Section and two individuals. Your Committee received comments on this measure from Associa and Palehua Townhouse Association.

Your Committee finds that a recent study found that Hawaii is experiencing the slowest unemployment rate recovery in the nation. Thousands of people who have not lost their jobs have still experienced a reduction in employment hours and earnings. Due to the economic burden this has placed on many residents and families in the State, this measure provides additional protection for unit owners by halting nonjudicial foreclosures by condominium associations.

Your Committee notes the concerns raised in testimony that this measure, as currently drafted, is too broadly applied to meet its intended purpose of ensuring that persons have adequate housing during uncertain times. Nonjudicial foreclosures are an important tool for associations to take control of unoccupied units so that they may be rented to generate income to pay the unit owner's delinquency. Additionally, associations have a strong incentive for tenants to remain in the property in order to collect rent to offset a delinquency and pay maintenance fees and assessments that continue to accrue. Therefore, tenants of a rental unit would not suffer if an association were able to foreclose and take possession from a defaulting landlord. By limiting the moratorium to only owner-occupied units, associations could continue to nonjudicially foreclose rental units and abandoned units to make more housing available and not further exacerbate the housing crisis.

Your Committee further notes that shortening the term of the moratorium contemplated by this measure to one year, rather than two years, would provide more flexibility and will allow for legislative review next year to evaluate the need for any extension of relief. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Specifying that, if a unit serves as a unit owner's primary residence and is occupied by the unit owner, an association shall not be permitted to initiate a nonjudicial foreclosure process or exercise a power of sale, pursuant to the terms of this measure;
- (2) Clarifying that nothing in this measure shall be construed to restrict an association from using nonjudicial foreclosure procedures to recover possession of a rental unit or an abandoned unit;
- (3) Inserting an effective date of July 1, 2021, and clarifying the measure shall repeal on June 30, 2022, rather than June 31, 2023;
- (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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 606, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 606, 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 (Misalucha).

SCRep. 121 Education on S.B. No. 813

The purpose and intent of this measure is to require authorizers to provide to each charter school it oversees a list of approved independent auditors.

Your Committee received testimony in support of this measure from the State Public Charter School Commission and Hawaii Public Charter School Network.

Your Committee finds that charter schools can only select an auditor from three auditors selected by the authorizer. There are currently not enough auditors in Hawaii to meet the required timeline to ensure charter school audits are included in the consolidated annual financial reports. Your Committee further finds that many of the auditors selected by the authorizer are based on Oahu, which makes it more difficult for charter schools on the other islands to complete their audits and forces those charter schools to incur additional expenses and delays. This measure would allow the charter schools to choose from a list of more than three independent auditors to conduct audits and provide access to auditors for the many charter schools that operate on all the islands across 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 is in accord with the intent and purpose of S.B. No. 813 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. 122 Education on S.B. No. 864

The purpose and intent of this measure is to require that a minimum of two of the three auditors selected by the authorizer for the State's public charter schools have offices on the neighbor islands.

Your Committee received testimony in support of this measure from the Hawaii Public Charter School Network, Hawaii Academy of Arts and Science Public Charter School, Kanu o ka 'Āina New Century Public Charter School, Kapolei Charter School, and two individuals. Your Committee received comments on this measure from the State Public Charter School Commission and Alaka'i O Kaua'i Charter School.

Your Committee finds that in 2019, the Hawaii State Public Charter School Commission requested control of the selection of auditors for public charter schools and requested that the number of auditors be limited to a choice of three. Since passage, the State Public Charter School Commission has only recommended a list of auditors all of whom were located on the island of Oahu. Your Committee further finds that having three auditors on the island of Oahu will cause undue burden and expense to neighbor island public charter schools and will likely hinder the completion of an audit of all thirty-seven public charter schools in the State within the timeframe required for the consolidated annual audit report. This measure will require that two auditor have offices on a neighbor island, which will allow charter schools on islands other than Oahu to be less burdened by the audits and be provided with an auditor located more conveniently to meet their needs.

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. 864 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. 123 Education on S.B. No. 136

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

- Department of Education School Facilities Agency to adopt and publish administrative rules necessary to implement Act 72, Session Laws of Hawaii 2020, by July 1, 2021; and
- (2) Office of the Governor to provide a report to the Legislature regarding the process by which the Department of Education purchases land and executes capital improvement project contracts through the School Facilities Agency.

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

Your Committee finds that Act 72, Session Laws of Hawaii 2020, established a School Facilities Agency to be a body corporate and a public instrumentality of the State for the purposes of being responsible for public school development, planning, and construction related to capital improvement projects assigned to the Legislature, Governor, or Board of Education. Currently, the Department of Education is not required to adopt and publish administrative rules to implement Act 72, Session Laws of Hawaii 2020. This measure will require that administrative rules are established by July 1, 2021, which is integral to the operation of the School Facilities Agency.

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. 136 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. 124 Water and Land on S.B. No. 204

The purpose and intent of this measure is to authorize the use of aquatic in-lieu fee mitigation where a person is required to provide compensatory mitigation for past and prospective damages to restore, create, enhance, or preserve the affected aquatic habitat or resource.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that natural resource agencies, such as the Department of Land and Natural Resources, prefer compensatory mitigation mechanisms such as in-lieu fee mitigation because in-lieu fee sponsors are often entities with more experience, scientific expertise, and vested long-term interest in natural resource conservation. According to testimony received by your Committee, Hawaii intends to be the first state in the nation to establish in-lieu fee mitigation for coral reefs. Your Committee further finds that this measure would provide the Department of Land and Natural Resources with another innovative mechanism to improve state stewardship of aquatic public trust habitats and resources, increase accountability for aquatic resource damage, and provide a higher quality of restitution for the damaged resources.

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. 204, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 204, 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. 125 Water and Land on S.B. No. 578

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. Specifically, this measure:

- (1) Prohibits commercial shark tour operations from operating without a permit; and
- (2) Requires the Department of Land and Natural Resources to adopt rules to regulate commercial shark tours, including adherence to a code of conduct and safety standards.

Your Committee received testimony in support of this measure from the Center for Biological Diversity, Hawai'i Reef and Ocean Coalition, Environmental Caucus of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that commercial shark boat tours are presently unregulated and, as a result, safety measures vary greatly between operators. Noting the inherent risks associated with swimming with sharks, your Committee finds that the regulation of shark boat tours is appropriate.

Your Committee further finds that all commercial vessels not under the jurisdiction of the Department of Transportation are required to obtain a commercial use permit (CUP) with the Department of Land and Natural Resources Division of Boating and Ocean Recreation (DOBOR). Your Committee notes DOBOR's ability to modify the terms and conditions for granting CUPs and encourages DOBOR to establish terms and conditions for issuing CUPs for commercial shark tour operations based on the minimum standards set forth in this measure.

Your Committee has amended this measure by:

- (1) Deleting language that would have required the Department of Land and Natural Resources to adopt rules to establish a code of conduct and best management practices for commercial shark tour operators; 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. 578, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 578, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 126 (Majority) Agriculture and Environment on S.B. No. 219

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 Department of Agriculture; Agribusiness Development Corporation; Hawaii Cattlemen's Council, Inc.; Ulupono Initiative, LLC; and Hawai'i Farm Bureau.

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, public at-large, and acts as a deterrent to potential offenders.

Your Committee also finds that losing revenue and investing in repairs and security has the potential to push more local farmers and ranchers out of the agricultural sector, jeopardizing the State's ability to increase locally grown food in the State. An April 2020 report from the United States Department of Agriculture indicated that agricultural theft and crime cost Hawaii farm producers \$14,400,000, or ten percent of the 2018 Hawaii net farm income of \$142,000,000.

Your Committee has amended this measure by removing the specific intent requirement that the person knew or reasonably should have known that the crime was committed on agricultural land.

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. 219, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 219, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

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

SCRep. 127 Transportation on S.B. No. 998

The purpose and intent of this measure is to grant voting rights to members of the Honolulu Authority for Rapid Transportation (HART) Board of Directors who were appointed by the President of the Senate or the Speaker of the House of Representatives.

Your Committee received testimony in support of this measure from the International Brotherhood of Electrical Workers Local No. 1186.

Your Committee finds that the HART rail project will provide an efficient and reliable transportation alternative for Honolulu's congested urban corridor. The elevated rail system will take more than 40,000 vehicles off the road every weekday by the year 2030. However, many critical and timely decisions are periodically impeded by quorum requirements and the disparity between voting and non-voting members of the Board of Directors. This measure will improve the efficiency of the HART Board by granting voting rights to two members who currently are statutorily prohibited from voting.

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. 998 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. 128 Transportation on S.B. No. 615

The purpose and intent of this measure is to:

- (1) Prohibit operating a moped or motor scooter from any rental company unless a person wears a safety helmet; provided that the prohibition does not apply if a person has a valid license from any state to operate a motorcycle; and
- (2) Prohibit the rental of any moped or motor scooter with an aftermarket modification to its motor.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, AAA Hawaii, and thirty-seven individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that from 2016 to 2018, there were twenty-three motor scooter and moped operator fatalities, and of the twenty-three fatalities, twenty-two operators were not wearing helmets. Wearing a helmet while operating a moped, powered scooter, or other motorized cycle decreases fatalities and serious injuries. Your Committee notes that according to the Hawaii Injury Prevention Plan for 2012-2017, published by the Department of Health and the Emergency Services and Injury Prevention System Branch, properly worn helmets can reduce the risk of death by forty-two percent and the risk of a head injury by sixty-nine percent. This measure would require anyone who rents or leases a motor scooter or moped to wear a helmet and will help to reduce motor scooter and moped related fatalities.

Your Committee also encourages your Committee on Commerce and Consumer Protection to examine whether it is prudent to exempt renters who possess a current motorcycle license from the requirement to wear a helmet, should this measure proceed. Additionally, your Committee notes the comments in the testimony of the Honolulu Police Department regarding the difficulty of enforcing the prohibition on aftermarket modifications as actual horsepower measures are never taken.

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. 615, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 615, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 129 (Majority) Transportation on S.B. No. 646

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 depositing the revenue from the increased surcharge tax into that county's subaccount within the State highway fund.

Your Committee received testimony in support of this measure from the Department of Transportation and Maui Chamber of Commerce. Your Committee received testimony in opposition to this measure from Avis Budget Group and Enterprise Holdings. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that 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 understands the concerns addressed by the testimony from Avis Budget Group and Enterprise Holdings and acknowledges that rental car companies have been especially hurt by the continuing coronavirus 2019 (COVID-19) pandemic. It is the desire of your Committee that when a final effective date is inserted into this measure, should it proceed, it will be a date that accounts for economic recovery from the effects of the COVID-19 pandemic.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 646, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 646, 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, 1 (Inouye). Excused, none.

SCRep. 130 (Majority) Transportation on S.B. No. 649

The purpose and intent of this measure is to provide immunity from liability for personal injuries or property damage arising out of the repair or maintenance of a street whose ownership is disputed between the State and county.

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 Association for Justice. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that there are certain roads in the State where ownership is disputed between the county and the State. Frequently these disputed roads have fallen into disrepair as neither the State nor the county will repair what is not legally theirs. This measure will allow for the repair and maintenance of these disputed roads without conferring ownership. It will also relieve the repairing entity from any liability arising from the repair and maintenance of the disputed roads.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 649, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 649, S.D. 1, and be referred to your Committee on Judiciary.

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

SCRep. 131 Transportation on S.B. No. 1008

The purpose and intent of this measure is to establish a permanent autonomous transportation task force to be placed in the Department of Transportation.

Your Committee received testimony in support of this measure from the Department of Transportation, 350Hawaii.org, Hawaii Electric Vehicle Association, Tesla, and five individuals. Your Committee received comments on this measure from the Motorcycle Industry Council, Recreational Off-Highway Vehicle Association, and Specialty Vehicle Institute of America.

Your Committee finds that nearly every automaker and many prominent tech companies worldwide are working diligently toward deploying autonomous vehicles that can drive with little or no human intervention. Currently, twenty-nine states and Washington, D.C., as well as Governors in eleven states, including Hawaii, have enacted legislation or executive orders related to autonomous vehicles. This measure will establish a permanent task force within the Department of Transportation to make recommendations to the Legislature and to prepare the State for the inevitable adoption and use of autonomous vehicles.

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. 1008, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1008, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

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

SCRep. 132 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1116

The purpose and intent of this measure is to provide emergency appropriations in fiscal year 2020-2021 to the Department of Defense to continue funding various coronavirus disease 2019 (COVID-19) response related programs and activities.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency. Your Committee received comments regarding this measure from one individual.

Your Committee finds that the Coronavirus Aid, Relief, and Economic Security (CARES) Act was enacted on March 27, 2020, to address the extensive health and economic fallout of the COVID-19 pandemic and provide federal funds to support the State's COVID-19 relief efforts. With the expiration of the CARES Act funds, your Committee finds that additional funds are needed to continue funding critical COVID-19 response programs and activities for the remainder of fiscal year 2020-2021. This measure appropriates funds for the purpose of COVID-19 response activities and provides transparency and accountability for the use of those funds.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$8,413,549 for the transfer of Safe Travels Hawaii contracts from the Department of Transportation to the Department of Defense;
- (2) Deleting appropriations for activation of the National Guard and data service for airport screener tablets, because such funding is no longer required;
- (3) Inserting an appropriation amount of \$4,588,802 for procurement, storage, and distribution of personal protective equipment to schools and state agencies;

- (4) Clarifying that the Governor is authorized to transfer the appropriated funds among all executive agencies and is authorized to transfer excess Department of Defense funds to the Governor's contingency fund, as deemed necessary; 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. 1116, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1116, 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. 133 Judiciary on S.B. No. 1286

The purpose and intent of this measure is to appropriate funds to the Office of the Prosecuting Attorney for Hawaii County 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; Office of the Prosecuting Attorney, County of Hawai'i; and two individuals. Your Committee received testimony in opposition to this measure from three individuals.

Your Committee finds that a disproportionate amount of serious crimes are committed against the public by a relatively small number of multiple and repeat-felony offenders, commonly known as career criminals. Your Committee further finds that the Career Criminal Prosecution Unit was created to more efficiently and effectively prosecute career criminals. Your Committee additionally finds that funding Career Criminal Prosecution programs serves the public interest by providing citizens with swift and effective justice, as well as reducing heavy caseloads and court delays.

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. 1286 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. 134 Health on S.B. No. 262

The purpose and intent of this measure is to assure sufficient resources to sustain and enhance the State's SARS-CoV-2 virus vaccination goals.

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

Your Committee finds that appropriations are necessary to sustain and enhance vaccinations for the SARS-CoV-2 virus. However, due to evolving factors, it is not possible to determine exactly much more funds are necessary. Therefore, your Committee has amended this measure by inserting an effective date of July 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 262, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 262, 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. 135 Health on S.B. No. 266

The purpose and intent of this measure is to appropriate monies in order to assure sufficient resources to sustain and enhance the State's coronavirus disease 2019 pandemic response.

Your Committee received testimony in support of this measure from the Department of Health and Department of Human Services.

Your Committee finds that another bill, S.B. No. 1088, also appropriate funds for response activities to the coronavirus 2019 disease and to provide transparency and accountability for the use of those funds. Your Committee further finds that S.B. No. 1088 identifies specific purposes for which appropriated monies will be spent.

Therefore, your Committee has amended this measure by:

- (1) Replacing its contents with the contents of S.B. No. 1088;
- (2) Inserting blank appropriation amounts;
- (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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 266, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 266, 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. 136 Health on S.B. No. 506

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to restructure certain long-term debts owed by Wahiawa General Hospital.

Your Committee received testimony in support of this measure from Wahiawa General Hospital.

Your Committee finds that Wahiawa General Hospital has experienced severe financial difficulties due to circumstances beyond its control. Your Committee further finds that due to these financial difficulties, Wahiawa General Hospitals has been unable to repay certain long-term debts. However, the hospital continues to provide critical services particularly for those who reside in Central Oahu and the North Shore of Oahu. Your Committee notes that the hospital also opened a much needed COVID-19 Sub-Acute Isolation Unit to address the healthcare needs of the entire State during the global pandemic. Despite its challenges, Wahiawa General Hospital plans to develop its campus to serve the growing population in central Oahu but cannot move forward due to its current financial liabilities.

Your Committee has amended this measure by:

- (1) Amending the purpose section for clarity;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 506, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 506, 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. 137 (Joint/Majority) Water and Land and Housing on S.B. No. 2

The purpose and intent of this measure is to exempt, from the definition of "public lands":

- (1) Lands that are set aside by the Governor to the Hawaii Housing Finance and Development Corporation (HHFDC), and
- (2) Lands that are leased to the HHFDC by other state agencies.

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation and one individual. Your Committees received testimony in opposition to this measure from Kūpuna for the Moʻopuna and the Office of Hawaiian Affairs.

Your Committees find that the State is experiencing a severe shortage of affordable housing. According to testimony received by your Committees, only lands to which HHFDC currently holds title in its corporate capacity are excluded from the definition of "public lands". Your Committees further find that the exemption from the definition of "public lands" proposed by this measure will streamline the development of affordable housing on state land by reducing the number of approvals required from the Department of Land and Natural Resources as affordable housing projects move forward from set-aside to leasing, entitlement, financing, and development phases.

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 Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 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, 4. Noes, 1 (Fevella). Excused, none. Housing: Ayes, 3. Noes, 1 (Fevella). Excused, 1 (Rhoads).

SCRep. 138 Water and Land on S.B. No. 137

The purpose and intent of this measure is to establish affordable housing as a priority activity within the State's land use laws. Specifically, this measure authorizes county land use decision—making authorities to amend district boundaries for land areas between fifteen and twenty-five acres, that are non-important agricultural land or rural land areas if the land areas are proposed for reclassification to the urban district, contiguous to the urban district, and at least sixty percent of the land area will be dedicated for the development of affordable housing.

Your Committee received testimony in support of this measure from the Mayor of the County of Maui, Mayor of the County of Hawaii, Hawai'i Association of REALTORS, and Building Industry Association of Hawaii. Your Committee received testimony in opposition to this measure from Life of the Land, Hawai'i Alliance for Progressive Action, Sierra Club of Hawai'i, Hawai'i Farm Bureau, and one individual. Your Committee received comments on this measure from the Land Use Commission, Department of Agriculture, Office of Planning, and Grassroot Institute of Hawaii.

Your Committee finds that the growth of available affordable housing is a priority in Hawaii. However, your Committee also recognizes the importance of protecting prime agricultural lands. Your Committee finds that this measure would streamline the approvals process to allow affordable housing to be built in a timely and less costly manner while preserving the State's highest quality agricultural lands.

Your Committee has amended this measure by:

- (1) Inserting language that further requires the soil of the land area petitioned for reclassification to be of a classification as a certain overall (master) productivity rating class; 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. 137, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 137, 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. 139 Water and Land on S.B. No. 178

The purpose and intent of this measure is to:

- (1) Establish within the Department of Land and Natural Resources (Department) a two-year beach protection pilot program under which no vehicles are authorized to drive on any beaches in Polihale State Park or on any state beaches in Kekaha, Kauai, without a permit;
- (2) Fund maintenance of and improvements to Polihale State Park and state beaches in Kehaka, Kauai with the permit fees collected;
- (3) Require the Department to work with the County of Kauai to determine the feasibility of establishing a similar pilot program for the county beaches in Kekaha, Kauai; and
- (4) Require an annual report regarding the pilot program be submitted to the Legislature.

Your Committee received testimony in support of this measure from Hui Malama Polihale and ten individuals. Your Committee received testimony in opposition to this measure from Bonilla Enterprises, Inc.; Lawai Market; Little Fish Coffee; Kelley's Surf School; and three hundred fifty-five individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources, County of Kaua'i, and six individuals.

Your Committee finds that Polihale State Park is a remote, multi-mile stretch of beach with one unimproved dirt road for access. Your Committee notes that Polihale State Park contains sensitive cultural and natural resources, as well as a recent history of illicit and destructive uses, including that of reckless driving through the dunes and other areas of the park that contain Hawaiian burial sites or critically endangered plants. According to testimony received by your Committee, the Department took the unprecedented step of closing Polihale State Park for several months in 2020 due to public health and safety concerns following a marked increase in these damaging activities. Your Committee further finds that the Department has no jurisdiction over any beaches in Kekaha, Kauai.

Your Committee has amended this measure by:

- (1) Deleting all references to the beaches in Kekaha, Kauai and any relevant language;
- (2) Specifying that the fees collected shall be deposited into the state parks special fund to be used for maintenance of and improvements to Polihale State Park; 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. 178, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 178, 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 (Misalucha, Fevella). Noes, none. Excused, none.

SCRep. 140 Water and Land on S.B. No. 1166

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to approve rental reductions or waivers for leases that require substantial demolition costs or infrastructure improvement costs for the lessee to utilize the premises.

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

Your Committee finds that there are unimproved public lands in the State's inventory that require millions of dollars in infrastructure investments, including drainage, sewer, water, electricity, and other utilities. Your Committee finds that, by incentivizing lessees through rental reductions or waivers, the State can defer the costs of these improvements while supporting projects that benefit the State as a whole.

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. 1166, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1166, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 141 Health on S.B. No. 1018

The purpose and intent of this measure is to require the Department of Health to establish a reorganization pilot project to reorganize the Department of Health Behavioral Health Services Administration.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Psychological Association, and one individual. Your Committee received testimony in opposition to this measure from the State Procurement Office.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic has caused an enormous budgetary shortfall in the State. Your Committee further finds that to adjust to this deficit, state government and its agencies must have the authority and flexibility to reorganize to meet the ongoing and emerging needs resulting from the COVID-19 pandemic. This measure establishes a pilot program for the Department of Health to reorganize its Behavioral Health Services Administration.

Your Committee heard testimony from the Department of Health, which proposed to expand the scope of the pilot project to reorganize all divisions. Your Committee also heard testimony from the State Procurement Office, which expressed concerns that exempting the Department of Health from the Hawaii Public Procurement Code could lead to higher costs due to lack of competition.

As such, your Committee has amended this measure by:

- (1) Amending section 2 to add the Environmental Health Administration; general administration, including the Office of the Director of Health; and Health Resources Administration to the reorganization pilot projects;
- (2) Removing the exemption from chapters 103D and 103F, Hawaii Revise Statutes, which govern public procurement; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1018, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1018, 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. 142 Health on S.B. No. 1234

The purpose and intent of this measure is to authorize use of funds appropriated from the emergency and budget reserve fund, from the amounts received by the State from the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act, for the purchase and distribution of personal protective equipment and industrial hygiene products to state departments and attached agencies.

Your Committee received testimony in support of this measure from the Department of Budget and Finance, Department of Defense, Department of Labor and Industrial Relations Office of Community Services, State Procurement Office, Department of Education, Department of Transportation, and Hawai'i Primary Care Association.

Your Committee finds that Act 9, Session Laws of Hawaii 2020 (Act 9), appropriated moneys received from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, for the purchase of personal protective equipment. Your Committee finds that in addition to personal protective equipment, funds are needed to purchase other hygiene products. This measure amends Act 9 to allow moneys appropriated from the CARES Act to purchase industrial hygiene products and clarifies that the items may be purchased for all state department and agencies.

Your Committee has amended this measure by:

- (1) Inserting a blank appropriation amount;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion;
- (3) Amending section 1 to add that the moneys appropriated may be also used to purchase coronavirus disease 2019 tests; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1234, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1234, 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. 143 Health on S.B. No. 352

The purpose and intent of this measure is to prohibit, beginning after December 31, 2021, the use of lead-based paint on outdoor structures, whether applied to new outdoor structures or already-existing outdoor structures.

Your Committee received testimony in support of this measure from the Department of Health, Community Alliance on Prisons, and three individuals.

Your Committee finds that lead poisoning can cause several maladies, including neurological damage, behavioral and learning disabilities in children, kidney damage, and miscarriages, and as such, lead-based paints on outdoor structures can be hazardous to workers, contaminate the environment, and expose children and adults to unnecessary risks. Your Committee recognizes that while there are both existing federal and state laws prohibiting the use of lead-based paints, there are none that prohibit structures (indoor or outdoor) from containing pre-existing lead-based paint.

To address the health and environmental hazards, this measure prohibits the use of lead-based paint on outdoor structures after December 31, 2021, whether on new or pre-existing structures. However, because the United States Consumer Product Safety Commission issued regulations prohibiting lead-based paints in 1978, and amended those regulations as recently as 2009, your Committee also finds that a public education campaign is not necessary to notify the public of the prohibitions set forth in this measure.

Therefore, 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 352, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 352, 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. 144 Health on S.B. No. 611

The purpose and intent of this measure is to:

- (1) Make permanent the regulation of behavior analysts established by Act 199, Session Laws of Hawaii 2015, and codified as chapter 465D, Hawaii Revised Statutes (Act 199); and
- (2) Exempt the behavior analyst licensing program from the auditor's sunset evaluation pursuant to section 26H-4, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Education, Department of Health, Hawaii State Teachers Association, Hawaii Disability Rights Center, Together For Our Keiki, Hawaii Association for Behavior Analysis, and thirteen individuals. Your Committee received comments on this measure from one individual

Your Committee finds that since the enactment of Act 199, and the autism insurance law, Act 235, Session Laws of Hawaii 2015, over fifteen hundred registered behavior technicians have been credentialed in the State. Your Committee further finds that several thousand children and other individuals have received access to applied behavior analysis services. Your Committee further finds that in December of 2020, the Auditor released Report No. 20-20, entitled "Sunset Evaluation: Regulation of Behavior Analysts," which supported the continued regulation of behavior analysts.

As the Auditor's sunset evaluation report has already been completed, your Committee has amended this measure by deleting section 3, which exempts the behavior analysts licensing program from the auditor's sunset evaluation requirement.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 611, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 611, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 145 Health on S.B. No. 1258

The purpose and intent of this measure is to allow for standard telephone contacts for telehealth purposes.

Your Committee received testimony in support of this measure from AARP Hawai'i, Waianae Coast Comprehensive Health Center, Hawai'i Psychological Association, Hawai'i Primary Care Association, Hawaii Substance Abuse Coalition, and two individuals. Your Committee received comments on this measure from the Department of Human Services and Hawaii Medical Service Association.

Your Committee finds that the emergency proclamation issued by the Governor on December 16, 2020, related to the coronavirus disease 2019 pandemic, suspended the application of certain laws that excluded the use of standard telephone contacts from the definition of "telehealth" to enable doctors and patients to minimize in—person meetings while ensuring access to medical care. Your Committee further finds that for many underserved and low—income communities, standard telephone contacts are the only means of contact, while cellular data plans and broadband services needed for video calls are not feasible options.

This measure will allow medical professionals to use standard telephone contacts for telehealth. Your Committee notes the testimony of the Department of Human Services that audio-only patient/provider interactions are prohibited by the federal Office of Civil Rights as a telehealth modality; however, the Office of Civil Rights has exercised enforcement discretion during the coronavirus disease 2019 pandemic, electing not to prosecute violations of the rule.

Therefore, 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1258, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1258, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 146 Health on S.B. No. 1333

The purpose and intent of this measure is to remove cannabidiol drugs that have been approved by the United States Food and Drug Administration from the list of Schedule V substances for consistency with federal laws.

Your Committee received testimony in support of this measure from Greenwich Biosciences, Inc.

Your Committee finds that section 329—11, Hawaii Revised Statutes, requires that the State's list of controlled substances comport with the list of controlled substances under federal law. Your Committee further finds that Food and Drug Administration recently approved the prescription drug Epidiolex, and generic versions of that drug which is a plant-derived prescription cannabinoid product used to treat seizures associated with certain types of epilepsy, including rare and difficult to treat forms of childhood-onset epilepsy. This measure brings state law in conformity with federal law by removing approved cannabidiol drugs from the State's schedule V list of controlled substances.

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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1333, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1333, 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 (Fevella). Noes, none. Excused, none.

SCRep. 147 Health on S.B. No. 145

The purpose and intent of this measure is to authorize the manufacture and distribution of cannabis seeds and cannabis clones by medical cannabis dispensary licensees.

Your Committee received testimony in support of this measure from Big Island Grown Dispensaries and the Hawai'i Cannabis Industry Association. Your Committee received testimony in opposition to this measure from the Department of Health. Your Committee received comments on this measure from the Department of the Attorney General and Akamai Cannabis Clinic.

Your Committee finds that patients and primary caregivers who wish to cultivate medical cannabis have no legal means of obtaining safe, laboratory-tested genetic material from which to propagate their plants. Currently, state law authorizes qualifying patients to cultivate up to ten medical cannabis plants but does not specify by what means propagules, cuttings, or other cannabis genetic material necessary to produce these plants may be obtained. This measure will allow authorized patients and primary caregivers to obtain laboratory-tested genetic material without resorting to illicit markets.

Your Committee also finds that S.B. No. 254, Regular Session 2021, is similar in content and intent as it authorizes the sale and distribution of cannabis propagules and cuttings and finds that it should be incorporated into this measure. Your Committee has also heard the Attorney General's concerns that this measure may potentially allow a patient to obtain more than the allowed ten medical cannabis plants. Therefore, your Committee has amended this measure by:

- (1) Incorporating sections 2 and 3 of S.B. No. 254 into this measure to add propagules and cuttings to the definition of "cannabis" in chapter 329D, Hawaii Revised Statutes, and authorize persons allowed to cultivate medical cannabis to also purchase propagules and cuttings;
- Adding limitations to the number of propagules, cuttings, cannabis clones, and cannabis seeds a patient or primary caregiver may purchase within certain time periods;
- (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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 145, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 145, 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 (Moriwaki, Fevella). Noes, none. Excused, none.

SCRep. 148 Health on S.B. No. 599

The purpose and intent of this measure is to require massage therapy licensees to complete twelve hours of continuing education every two years between the massage therapist's license renewals, beginning July 1, 2022. Two hours of the continuing education shall include first aid, cardiopulmonary resuscitation, or emergency-related courses.

Your Committee received testimony in support of this measure from the Board of Massage Therapy, Department of Commerce and Consumer Affairs; American Massage Therapy Association; and two individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that requiring continuing education for licensed massage therapists will elevate the massage therapy profession to the highest standards of quality and safety. Your Committee also finds that twelve continuing education hours is a reasonable requirement for license renewal. Finally, your Committee finds that changing the implementation date from July 1, 2022 to July 1, 2024 would allow the Board of Massage Therapy ample time to notify all affected licensed massage therapists of the new continuing education requirement and for licensees to meet the requirements. As such, your Committee has amended this measure by amending the implementation date of the new requirements from July 1, 2022 to July 1, 2024.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 599, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 599, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 149 Health on S.B. No. 976

The purpose and intent of this measure is to amend the definition of "preceptor" and "volunteer-based supervised clinical training rotation" to improve accessibility for providers to receive income tax credits for acting as preceptors, who offer professional instruction, training, and supervision to future healthcare providers.

Your Committee received testimony in support of this measure from the Department of Health, Department of Taxation, University of Hawai'i System, Hawai'i – American Nurses Association, Hawai'i State Center for Nursing, University of Hawai'i at Hilo - Daniel K. Inouye College of Pharmacy, Hawai'i Primary Care Association, The Queen's Health Systems, Hawai'i Association of Professional Nurses, and ten individuals.

Your Committee finds that clarifying the effective date to apply to all of 2021 would help an eligible preceptor to qualify for the tax credit for volunteer work performed from the beginning of 2021. As such, your Committee has amended this measure by:

- (1) Amending the effective date to July 1, 2050, to encourage further discussion; and
- (2) Further amending the effective date to clarify that the tax credit shall apply to taxable years beginning after December 31, 2020.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 976, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 976, S.D. 1, and be referred to your Committees on Ways and Means and Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 150 Health on S.B. No. 138

The purpose and intent of this measure is to:

- (1) Increase the cigarette and tobacco tax on cigarettes and little cigars by five cents beginning July 1, 2021; and
- (2) Allocate excise tax revenue generated at the increased rate to specified health improvement purposes beginning July 1, 2021.

Your Committee received testimony in support of this measure from the Department of Health, University of Hawai'i Cancer Center, Hawaii Health Systems Corporation, Hawai'i Public Health Institute, American Heart Association, Hawaii Dental Association, American Cancer Society Cancer Action Network, Hawaii Medical Association, AlohaCare, Hawaii Substance Abuse Coalition, and four individuals. Your Committee received testimony in opposition to this measure from Retail Merchants of Hawaii and eight individuals. Your Committee received comments on this measure from the Department of Taxation and Hawai'i Primary Care Association.

Your Committee finds that tobacco use is the most preventable cause of death in Hawaii, killing approximately one thousand four hundred people every year. Your Committee also finds that tobacco use is a drain on the State's economy, costing the State approximately \$526 million in health care costs every year. Research has shown that significantly increasing the excise tax and price of tobacco products is the most consistently effective tool for reducing tobacco use. This measure increases the tobacco tax on certain tobacco products by five cents and allocates the revenue generated from the tax to health improvement programs.

Your Committee notes the testimony of the Department of Taxation, requesting that the bill's effective date be no earlier than July 1, 2022, to give the Department sufficient time to update its forms, instructions, computer systems, and cigarette stamps. Your Committee also finds that further deliberation of the amount of the tobacco tax increase and the disposition of the resulting revenues is needed.

Therefore, your Committee has amended this measure by:

- (1) Inserting an unspecified tax increase amount;
- (2) Inserting unspecified amounts for the dispositions of revenue generated from such tax;
- (3) Inserting unspecified recipients and listing the general fund as a recipient for the dispositions of revenue generated from such tax:
- (4) Inserting an effective date of July 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 138, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 138, 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. 151 Health on S.B. No. 324

The purpose and intent of this measure is to clarify the definition of the practice of medicine in the Hawaii Revised Statutes to provide uniformity of practice for both medical physicians and osteopathic physicians.

Your Committee received testimony in support of this measure from the Hawaii Medical Board of the Department of Commerce and Consumer Affairs and Kaiser Permanente Hawai'i. Your Committee received comments on this measure from Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs.

Your Committee finds that because the practice of medicine is already limited to duly licensed practitioners pursuant to section 453-2, Hawaii Revised Statutes, the measure's inclusion of a license requirement is unnecessary and may complicate the Department of Commerce and Consumer Affairs' ability to prosecute licensing violations. Your Committee further finds that another bill, S.B. No. 1099, accomplishes the same goal as this measure but without the license requirement. Therefore, your Committee has amended this measure by:

- (1) Substituting Section 2 of this measure with Section 1 of S.B. No. 1099; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 324, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 324, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 152 Health on S.B. No. 1117

The purpose and intent of this measure is to provide an emergency appropriation to the Office of the Governor for fiscal year 2020-2021 to continue funding for various coronavirus disease 2019 (COVID-19) response-related programs and activities.

Your Committee received testimony in support of this measure from Hawai'i Primary Care Association.

Your Committee finds that the impact of the SARS-CoV-2 virus and resulting COVID-19 pandemic has been devastating to Hawaii's economy. Your Committee further finds that the funds from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which provided federal funds to support the State's COVID-19 relief efforts, have expired. This measure makes appropriations to continue funding critical COVID-19 response programs and activities for the remainder of fiscal year 2020-2021.

Your Committee has amended this measure by:

- (1) Inserting a blank appropriation amount;
- (2) Inserting an effective date of July 1, 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1117, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1117, 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. 153 Health on S.B. No. 1157

The purpose and intent of this measure is to provide emergency appropriations in fiscal year 2020-2021 to the Department of Health to continue funding for various coronavirus disease 2019 (COVID-19) response-related programs and activities.

Your Committee received testimony in support of this measure from the Department of Health and Hawai'i Primary Care Association.

Your Committee finds that the impact of the SARS-CoV-2 virus and resulting COVID-19 pandemic has been devastating to Hawaii's economy. Your Committee further finds that the funds from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which provided federal funds to support the State's COVID-19 relief efforts, have expired. This measure makes appropriations to continue funding critical COVID-19 response programs and activities for the remainder of fiscal year 2020-2021.

Your Committee has amended this measure by:

- (1) Inserting a blank appropriation amount;
- (2) Inserting an effective date of July 1, 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1157, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1157, 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. 154 Health on S.B. No. 1153

The purpose and intent of this measure is to make an emergency appropriation to provide funds for the state comprehensive emergency medical system for expenses related to collective bargaining and other current expenses.

Your Committee received testimony in support of this measure from the Department of Health, Maui County Paramedics Association, and eight individuals.

Your Committee finds that due to the coronavirus disease 2019 pandemic, the Department of Health experienced an operational budget shortfall of \$6,400,000. Your Committee further finds that an emergency appropriation is necessary to maintain comprehensive emergency medical services for the residents and visitors in the counties of Hawaii, Kauai, Maui, and Oahu for fiscal year 2020-2021.

Your Committee has amended this measure by:

- (1) Inserting a blank appropriation amount;
- (2) Inserting an effective date of July 1, 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1153, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1153, 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. 155 Health on S.B. No. 1156

The purpose and intent of this measure is to make an emergency appropriation to provide funds for supplies, personnel, equipment, and related effects to implement the State's coronavirus disease 2019 (COVID-19) vaccination plan.

Your Committee received testimony in support of this measure from the Department of Health and Hawai'i Primary Care Association.

Your Committee finds that vaccinations can dramatically decrease the health impacts of the COVID-19 pandemic. Your Committee further finds that although the Department of Health has a plan for the rapid distribution of COVID-19 vaccines, the Department's current budget is unable to accommodate a full-scale deployment of the State's vaccination plan. As such, this measure is necessary to ensure the Department of Health has the resources to implement its vaccination plan.

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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1156, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1156, 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. 156 Water and Land on S.B. No. 140

The purpose and intent of this measure is to consolidate long-term master planning and zoning regarding state-owned lands within each of the transit-oriented development zones under the Hawaii Community Development Authority. Specifically, this measure:

- (1) Requires the Hawaii Community Development Authority (HCDA) to develop a transit-oriented development zone improvement program; and
- (2) Appropriates funds to Hawaii Community Development Authority for staff necessary to develop and manage the transitoriented development zone improvement program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Stanford Carr Development, LLC. Your Committee received comments on this measure from Hawaii Community Development Authority, Office of Planning, and Department of the Attorney General.

Your Committee finds that transit-oriented developments promote a wide range of social, environmental, and economic benefits, but currently, no single entity has the authority to redevelop the State's assets along the transit corridor in the best interest of the State. This measure fosters community development by strategically investing in public facilities through transit-oriented development.

Your Committee has amended this measure by:

- (1) Explicitly authorizing the Hawaii Community Development Authority to create zones and transit-oriented development improvement programs except on lands administered by the Hawaii Public Housing Authority or any community development district:
- (2) Replacing all instances of "TOD" with "transit-oriented development"; 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. 140, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 140, 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. 157 (Majority) Water and Land on S.B. No. 257

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to extend commercial, industrial, resort, or governmental leases, other than those to which the University of Hawaii is a party, that have not been sold or assigned within the last ten years, for lessees who commit to substantial improvement to the existing improvements.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Prince Kuhio Plaza, LLC; Sand Island Business Association; Stanford Carr Development, LLC; and one individual. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs, Ka Lāhui Hawai'i, Kūpuna for the Mo'opuna, and two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that many of the leases for commercial, industrial, and resort properties on public land statewide may be nearing the end of their lease terms. Faced with the uncertainty of continued tenancy, lessees have little incentive to make major investments in infrastructural improvements and therefore the infrastructure on these properties has been deteriorating. Authorization of lease extensions, like those proposed by this measure, may resolve issues surrounding the future of a tenancy and thereby promote investment in improvements located on currently leased public lands. Your Committee further finds that the extension of mixed use leases of state land in densely populated areas may promote the fullest use of public lands in urban cores.

Accordingly, your Committee has amended this measure by:

- Inserting language to allow for extensions of leases for mixed-development use in addition to commercial, industrial, resort, or governmental uses; 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. 257, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 257, 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 (Riviere). Noes, 1 (Fevella). Excused, none.

SCRep. 158 Water and Land on S.B. No. 1179

The purpose and intent of this measure is to allocate a portion of the conveyance tax to the Division of Conservation and Resources Enforcement (DOCARE) of the Department of Land and Natural Resources to partially cover operational costs related to upholding the laws that serve to protect, conserve, and manage Hawaii's unique and limited natural, cultural, and historic resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, For the Fishes, Trilogy Excursions, Ocean Tourism Coalition, and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS.

Your Committee finds that this measure would provide funds to DOCARE to help offset funds that were reduced due to the coronavirus disease 2019 pandemic. According to testimony received by your Committee, DOCARE has one of the lowest rates of state funding per person compared to all other state wildlife agencies. Your Committee further finds that DOCARE is already short staffed and underfunded and will continue to struggle to effectively carry out its mission unless additional funding sources are found.

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. 1179, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1179, 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. 159 Judiciary on Jud. Com. No. 9

Recommending that the Senate consent to the appointment of the following:

DISTRICT COURT OF THE SECOND CIRCUIT

J.C. No. 9 CHRISTOPHER M. DUNN, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by Christopher M. Dunn for service on the District Court of the Second Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Christopher M. Dunn from the Maui Community Correction Center, Maui Office of the Public Defender, the Honorable John T. Lu, and sixty-six individuals. Your Committee received comments on the appointment of Christopher M. Dunn by the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of District Court Judge of the Second Circuit based on established criteria for determining the qualifications of judicial and executive appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified".

Mr. Dunn received his Bachelor of Arts degree in English from Skidmore College, where he played collegiate basketball on the junior varsity and varsity teams. He later obtained his Doctorate of Jurisprudence from the George Washington University National Law Center, where he served as an intern at the Office of the Federal Public Defenders in Washington, D.C.

Mr. Dunn has been a solo practitioner in the State of Hawaii since 2002, and has practiced primarily in the area of criminal defense. A significant portion of his practice involves representing indigent clients on a court-appointed basis. He has represented petitioners and respondents in District Court and Family Court restraining order cases, and has served as a court-appointed Commissioner in judicial foreclosure actions. Throughout the course of his practice, he has served as counsel in numerous cases that have presented novel or challenging legal issues, including pleas of not guilty by reason of insanity and challenges to improper search and seizure by law enforcement.

Mr. Dunn has been active in the legal community throughout his career, and regularly participates in legal round table luncheons with other practitioners in the community. He also provides significant pro-bono services in and out of the scope of his court-appointed representation. In addition, he has been involved in competitive outrigger canoe paddling since 2004.

Testimony submitted in support of Mr. Dunn's appointment commend his genuine concern for his clients and his consistent pursuit of justice. In the course of his private practice and court-appointed representation, he has demonstrated an outstanding professional demeanor and an ability to build strong working relationships with judges, court clerks and staff, and opposing counsel. Numerous testifiers also praise his deep legal expertise, commitment to fairness, and strong personal integrity.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about him and his qualifications, Christopher M. Dunn has the experience, temperament, and other competencies required to be a Judge of the District Court of the Second Circuit, and he has the legal expertise, integrity, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

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 appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate advise and consent to the appointment.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 160 Judiciary on Jud. Com. No. 10

Recommending that the Senate consent to the appointment of the following:

DISTRICT FAMILY COURT OF THE SECOND CIRCUIT

J.C. No. 10 JAMES R. ROUSE, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by James R. Rouse for service on the District Family Court of the Second Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of James R. Rouse from the Office of the Public Defender, Maui Office of the Public Defender, and thirty-six individuals. Your Committee received comments on the appointment of James R. Rouse from the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of District Court Judge of the District Family Court of the Second Circuit based on established criteria for determining the qualifications of judicial and executive appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified".

Mr. Rouse received his Bachelor of Arts degree in political science from Chico State University, where he was on the Dean's List and was involved in intramural sports and a social fraternity. He later received his Doctorate of Jurisprudence from Golden Gate University.

Mr. Rouse has served as a Deputy Attorney General for the State of Hawaii since 2017, where he represents state agencies such as the Department of Human Services, Department of Health, Department of Education, and the Public Guardian in child protection, adult protection, truancy, and involuntary commitment matters. Prior to being a Deputy Attorney General, he served as a Deputy Public Defender for almost fifteen years, and intermittently worked in private practice. He has consistently balanced careful consideration of the law with zealous advocacy to seek the best outcomes for those he represents.

Mr. Rouse has been active in the legal community throughout his career. He sat on the Maui County Bar Association Board of Directors for two years, and served as a judge in high school mock trial competitions during his time at the Office of the Public Defender. He also participates in the Hawai'i Children's Justice Center's sexual assault team to coordinate the efforts of service providers and law enforcement. In addition, he has served on the Board of Directors of Keiki's Dream, and regularly participated in the organization's annual fundraiser.

Testimony submitted in support of Mr. Rouse's appointment commend his thorough legal expertise as well as his professional and compassionate disposition. During his time at the Office of the Public Defender and the Department of the Attorney General, he has earned a reputation for dealing fairly and honestly with everyone he comes into contact with, as well as for strong advocacy and sophisticated legal analysis. Numerous testifiers praised his respectful candor, integrity, and profound care for the most vulnerable members of the community.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about him and his qualifications, James R. Rouse has the experience, temperament, and other competencies required to be a District Family Court Judge of the Second Circuit, and he has the legal expertise, integrity, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

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 appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate advise and consent to the appointment.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 161 (Joint) Health and Transportation on S.B. No. 241

The purpose and intent of this measure is to authorize qualifying patients and qualifying out-of-state patients to transport cannabis between islands of the State for personal medical use.

Your Committees received testimony in support of this measure from Big Island Grown Dispensaries, Community Alliance on Prisons, Hawai'i Cannabis Industry Association, Marijuana Policy Project, and six individuals. Your Committees received comments on this measure from the Department of the Attorney General, Department of Health, Department of Public Safety, and Department of Transportation,

Your Committees find that currently licensed medical cannabis dispensaries are located only on Oahu, Hawaii island, Maui, and Kauai. Because there are no dispensaries on Molokai, Lanai, and Niihau, qualifying patients living on those islands have less access to legal medical cannabis than qualifying patients residing on other islands. Your Committees further find that the legal transport of medical cannabis would allow both qualifying patients and qualifying out-of-state patients to travel freely without fear of prosecution for possessing cannabis that has been legally obtained or possessed under state law. This measure assures access to legal medical cannabis to qualifying patients regardless of where they live or where they travel within the State.

As affirmed by the records of votes of the members of your Committees on Health and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 241 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Transportation: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Inouye).

SCRep. 162 Health on S.B. No. 970

The purpose and intent of this measure is to authorize the establishment of a physician-patient relationship via a telehealth interaction if the physician is licensed to practice medicine in the State.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Medical Board, Hawaii Health Systems Corporation, Hawaii Pacific Health, The Queen's Health Systems, Kaiser Permanente Hawaii, AARP Hawaiii, Healthcare Association of Hawaii, Hawaii Substance Abuse Coalition, American Telemedicine Association, and one individual.

Your Committee finds that currently, the law is ambiguous as to when a physician-patient relationship is established via telehealth. As written, the physician-patient relationship with a telehealth provider can only be established if the patient was first referred to the telehealth provider by another health care provider who has conducted an in-person consultation with the patient. Your Committee further finds that the coronavirus disease 2019 pandemic has resulted in an increase in the use of telehealth services and the establishment of telehealth as a community standard of care is a strategic priority for the Department of Health. This measure will make clear that a physician-patient relationship may be established via telehealth by a physician licensed to practice medicine 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 970, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 970, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

Signed by the Chair on behalf of the Committee.

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

SCRep. 163 Health on S.B. No. 1139

The purpose and intent of this measure is to allow the Department of Health to fully operationalize the Office of Medical Cannabis Control and Regulation (OMCCR) to ensure patient access and regulatory oversight of the licensed dispensaries by:

(1) Changing the means of financing for general-funded OMCCR positions from general funds to the medical cannabis registry and regulation special fund;

- (2) Establishing, hiring, and filling three new permanent full-time equivalent positions (3.0 FTE) funded by the medical cannabis registry and regulation special fund; and
- (3) Authorizing a \$10.00 per year increase to the patient registration fee beginning in fiscal year 2022.

Your Committee received testimony in support of this measure from the Department of Health and Hawai'i Cannabis Association. Your Committee received comments on this measure from Akamai Cannabis Clinic.

Your Committee finds that the OMCCR can be fully operational, without general funds, by expending monies exclusively from the medical cannabis registry and regulation fund. Your Committee further finds that the OMCCR was forced to eliminate six full-time positions due to budget shortfalls related to the coronavirus disease 2019 pandemic. Finally, your Committee finds that authorizing the Department of Health to set patient registration fees via administrative rulemaking would allow the Department more flexibility to periodically change future registration fees. Your Committee notes that this measure as introduced inadvertently appropriates funds for the establishment of three full-time equivalent positions for only the 2021-2022 fiscal year, when in fact, the positions were intended to also continue for the 2022-2023 fiscal year.

Therefore, your Committee has amended this measure by:

- (1) Authorizing the Department of Health to set patient registration fees via administrative rulemaking;
- Amending section 4 to appropriate funds for three permanent full-time equivalent (3.00 FTE) positions for fiscal year 2022-2023; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1139, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1139, 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. 164 Health on S.B. No. 1140

The purpose and intent of this measure is to:

- (1) Ensure that timely diagnostic audiologic reports on newborns who did not pass newborn hearing screening, or infants whose hearing status changes, are provided to the Department of Health; and
- (2) Update definitions and terminology.

Your Committee received testimony in support of this measure from the Department of Health, Disability and Communication Access Board, and Hawai'i Children's Action Network Speaks!. Your Committee received comments on this measure from Kaiser Permanente Hawaii.

Your Committee finds that mandating the reporting of diagnostic audiologic evaluation results for newborns who do not pass hearing screening will help the State meet national goals to help children who are deaf or hard of hearing be language ready for school. This measure will improve the identification and follow-up of infants who are deaf or hard of hearing.

Your Committee finds that the amended language in section 321-363, Hawaii Revised Statutes, which relates to the adoption of rules regarding the Statewide Newborn Hearing Screening Program in section 5 of this measure can be read to require reporting for infants who have not been identified as deaf or hard of hearing. Therefore, your Committee has amended this measure by:

- (1) Amending section 5 of this measure to clarify that the reporting requirements will apply to only those infants who have been identified as deaf or hard of hearing; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1140, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1140, 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. 165 Health on S.B. No. 1141

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 and reporting.

Your Committee received testimony in support of this measure from the Department of Health, Disability and Communication Access Board, Hawaii Children's Action Network Speaks!, and Hawaii Optometric Association.

Your Committee finds that the sooner a parent is aware that their child may be identified as blind, deaf, deaf-blind, or hard of hearing, the more advantageous it is for the child. Your Committee also finds that this measure will allow the Department of Health to set recommended standards for vision and hearing screening based on national guidelines and best practices. Furthermore, a statewide screening protocol will ensure that all organizations performing screening are using tools, screening procedures, and referral criteria based on evidence and best practices.

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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1141, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1141, 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. 166 Health on S.B. No. 1145

The purpose and intent of this measure is to grant the Director of Health greater discretion to share confidential data for legitimate government and research functions.

Your Committee received testimony in support of this measure from the Department of Health and University of Hawai'i Cancer Center. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the appropriate sharing of vital records to be in the public interest, particularly to expedite law enforcement or judicial proceedings but also for research to help define unique issues in Hawaii. These vital records include information such as births, deaths, and marriage/civil unions, which contain information such as race and ethnicity, cause of death, relative health at birth, and other qualitative data. Your Committee finds that this measure will allow the Department of Health more flexibility to disclose vital information in certain situations.

Your Committee received testimony from the Department of Health that the proposed process of review by its Institutional Review Committee for disclosures made for "research purposes" is consistent with academic and scientific human subject research protocols and standards and assures that requests serve an ethical public good, individual privacy is maintained, and records are appropriately handled.

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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1145, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1145, 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. 167 Health on S.B. No. 1150

The purpose and intent of this measure is to:

- (1) Allow the Department of Health to accept accreditation or certification of a skilled nursing facility by a nationally recognized accreditation or certification organization; and
- (2) Exempt skilled nursing facilities from a licensing inspection on a continuing basis, provided they meet certain requirements.

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 received comments on this measure from Healthcare Association of Hawaii.

Your Committee finds that The Joint Commission and other nationally recognized accrediting agencies have certification standards that are more stringent than those required by state law. Your Committee also finds that the Department of Health conducts state license renewal surveys simultaneously with federally required recertification surveys. This measure allows the Department to accept accreditation surveys from a private accreditation organization or federally mandated recertification surveys for state licensing purposes. This would allow the Department's Office of Healthcare Assurance to deploy staffing resources to other equally important investigations and surveys.

Your Committee heard the testimony of the Healthcare Association of Hawaii, which commented that the use of an outside accreditation or certification program should be voluntary, rather than compulsory. As such, your Committee has amended this measure by:

- (1) Amending the measure to reflect that use of an outside accreditation or certification program is voluntary; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1150, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1150, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 168 Health on S.B. No. 629

The purpose and intent of this measure is to:

- 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;
- 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 Department of Health, Big Island Grown Dispensaries, and Hawai'i Cannabis Industry Association. Your Committee received comments on this measure from the Department of the Attorney General

Your Committee finds that this measure will allow family members, caregivers, or other assistants to help patients into retail medical cannabis dispensaries while preventing unauthorized access to medical cannabis. Your Committee also finds that this measure will clarify that each day of a violation of Hawaii's medical cannabis dispensary system laws under chapter 329D, Hawaii Revised Statutes, is a separate offense, thus facilitating oversight of dispensary compliance.

Your Committee also notes the Department of the Attorney General's concerns of allowing individuals convicted of felonies – the highest grade of offense under the penal code – to handle or sell marijuana. Therefore, your Committee has amended this measure by:

- (1) Deleting section 3 of the measure that would allow for the transfer of dispensary licenses;
- (2) Deleting the amendment that would allow individuals convicted of a felony to work in a medical cannabis dispensary;
- (3) Deleting section 7 of the measure, as that proposed amendment was previously implemented by Act 70, Session Laws of Hawaii 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 629, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 629, 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. 169 Commerce and Consumer Protection on S.B. No. 974

The purpose and intent of this measure is to:

- (1) Provide for new, viable installment-based small dollar loan transactions in addition to enhanced deferred deposit transactions;
- (2) Specify various consumer protection requirements for small dollar loans;
- (3) Beginning January 1, 2023, require licensure for small dollar lenders that offer small dollar loans to consumers, subject to the oversight of the Division of Financial Institutions of the Department of Commerce and Consumer Affairs to protect against illegal lending;
- (4) Specify licensing requirements for small dollar lenders;
- (5) Cap interest at thirty-six per cent per annum and one simple maximum monthly maintenance fee tiered up to \$50.00;
- (6) Amortize loans in full and renewing the loan while also permitting borrowers to choose to repay the loan without penalty;
- (7) Cap maximum allowable costs at sixty per cent of the principal loan amount, preventing a loan from being either too short or too long in duration;
- (8) Cap the maximum allowable loan size at \$1,500, providing more flexibility for lenders and borrowers than under the current law;
- (9) Require lenders to provide clear disclosures of the loan terms and total charges;
- (10) Prohibit a lender from making more than one loan at a time to a consumer, preventing incentives for lenders to "split" loans and charge higher fees; and
- (11) Repeal section 480F-4, Hawaii Revised Statutes, relating to deferred deposits, to provide further protection to Hawaii's consumers from harmful lending practices.

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 Maui Loan Inc. Your Committee received comments on this measure from the Office of Information Practices and Pew Charitable Trusts.

Your Committee finds that high-cost payday loans can be harmful to Hawaii consumers and that the practice of deferred deposits should be repealed in favor of new forms of safer, affordable installment-based small dollar loans. Accordingly, this measure provides greater oversight and additional protections for consumers.

Your Committee has amended this measure by:

 Clarifying that a small dollar loan shall have a minimum loan term of four months and a maximum loan term of twenty-four months;

- (2) Clarifying that, upon a customer's payment in full of any small dollar loan, a small dollar lender shall wait a period of three days before the small dollar lender may make another small dollar loan to the same customer;
- (3) Specifying that the Commissioner of Financial Institutions shall not issue a license to engage in the business of making small dollar loans in this State if the Commissioner determines that the applicant has had a small dollar lender license revoked in any jurisdiction within five years of the filing of the application;
- (4) Clarifying that any notification of a cease and desist order issued by the Commissioner of Financial Institutions shall be given by personal service or by certified mail; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 974, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 974, 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. 170 Energy, Economic Development, and Tourism on S.B. No. 935

The purpose and intent of this measure is to:

- (1) Establish the Office of Aerospace Development in the Hawaii Technology Development Corporation, rather than the Department of Business, Economic Development, and Tourism;
- (2) Repeal the Pacific International Space Center for Exploration Systems (PISCES); and
- (3) Transfer the rights, powers, functions, and duties of PISCES to the Office of Aerospace Development.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism and Hawaii Technology Development Corporation.

Your Committee finds that the Legislature has played a pivotal role in expanding and diversifying the national economy by forging new inroads to scientific discovery, advancing national engineering and manufacturing expertise, pioneering innovations in communications and computer technologies, enhancing surveillance of our home planet, and enabling better understanding of weather systems and climates.

Your Committee further finds that the aerospace industry holds great potential to enable future innovation in science and technology and that Hawaii continues to support national space efforts through a wide range of aerospace-related activities on all major islands. Your Committee also finds that by combining the office of Aerospace Development and PISCES, the State can more efficiently direct its resources in the field of aerospace to further address these needs.

Your Committee believes that it is important that the Office of Aerospace select its own director and that the membership of the Aerospace Advisory Committee reflect a diverse group of individuals with knowledge of the aerospace industry.

Your Committee has amended this measure by:

- (1) Requiring the Aerospace Advisory Committee to select the Office of Aerospace Director;
- (2) Reducing the number of the Advisory Committee members from thirteen to nine; and
- (3) Requiring that of the nine members: four represent the aerospace industry, four represent the economic development boards of the counties, and one represent the University of Hawaii System.

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. 935, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 935, 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. 171 (Joint) Energy, Economic Development, and Tourism and Water and Land on S.B. No. 480

The purpose and intent of this measure is to:

- Establish the Pulehunui Community Development Authority as an autonomous community development authority under the Hawaii Community Development Authority for the purposes of developing the Pulehunui Community Development District; and
- (2) Authorize the Hawaii Community Development Authority to obtain various forms of federal funding for construction, maintenance, and development projects in the Pulehunui Community Development District.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and one member of the Maui County Council. Your Committees received comments on this measure from the Hawaii Community Development Authority.

Your Committees find that this measure would create a development district that will provide an integrated experience of housing, education, and commercial facilities as well as significant financial opportunity to successfully supply the necessary infrastructure for projects throughout the State. Your Committees further find that this measure would assist in the development of much-needed housing units and ensure skilled employees remain in the State.

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. 480 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.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 172 Energy, Economic Development, and Tourism on S.B. No. 139

The purpose and intent of this measure is to revise the county allocations of transient accommodations tax revenues to reflect the growth in population of each respective county, including Kauai county, Hawaii county, the city and county of Honolulu, and Maui county to take effect July 1, 2021.

Your Committee received testimony in opposition to this measure from the Hawaii State Association of Counties. Your Committee received comments on this measure from the Department of Budget and Finance, Office of the Mayor of Maui County, Tax Foundation of Hawaii, and Kohala Coast Resort Association.

Your Committee finds that it is important to provide a fairer, more consistent, and reliable allocation of transient accommodations tax revenues to the counties. Your Committee further finds that many of the burdens imposed by tourism fall on the counties and increased pressures of the visitor industry means greater demands on county services, such as providing, maintaining, and upgrading police and fire protection, parks, beaches, water, roads, sewage systems, and other tourism-related infrastructure.

Your Committee further finds that basing the allocation of transient allocation funds on the number of visitor arrivals, rather than population growth, better reflects the impact that the visitor industry places on county services, ultimately providing a more equitable distribution of the transient accommodations tax to each county.

Therefore, your Committee has amended this measure by:

- Changing the allocation of transient accommodations taxes to each county based on the number of annual visitor arrivals for each respective county;
- (2) Requiring the statistics used for allocation of the transient accommodations tax to be updated annually and taken from the Hawaii Tourism Authority and State Data Book; and
- (3) Requiring each respective county to report annually to the legislature, no later than twenty days prior to the convening of each regular legislative session, describing how the transient accommodations tax allocation was spent.

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. 139, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 139, 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. 173 Energy, Economic Development, and Tourism on S.B. No. 243

The purpose and intent of this measure is to:

- (1) Require the Governor; Department of Business, Economic Development, and Tourism; and the Hawaii State Energy Office to develop a strategic plan that outlines benchmarks to achieve a one hundred percent renewable energy portfolio standard and appropriate funds for its development;
- (2) Require the Department of Business, Economic Development, and Tourism to submit the strategic plan to the Legislature before the Regular Session of 2023; and
- (3) Require the Hawaii Natural Energy Institute to conduct a feasibility study on the State's ability to achieve its renewable energy goals by 2045.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Hawaii Natural Energy Institute of the University of Hawaii, Ulupono Initiative, Hawaii Auto Dealers Association, and two individuals. Your Committee received comments on this measure from the Life of the Land.

Your Committee finds that it is important to develop a strategic plan that establishes benchmarks to achieve a one hundred percent renewable energy portfolio standard and to establish a zero emissions clean economy target to sequester more atmospheric carbon and greenhouse gasses. Your Committee further finds that because the energy environment continues to evolve, it is important that the strategic plan and a feasibility study required by this measure should be aligned in order to more effectively meet these benchmarks.

Your Committee also finds that because the feasibility study, which examines the State's ability to achieve its energy goals, will be prepared by the Hawaii Natural Energy Institute, it is in a unique position to develop the strategic plan. This will allow the Hawaii Natural Energy Institute to incorporate its analyses into the overall development of a strategic plan and provide key intermediate benchmarks to help the State achieve a one hundred percent renewable energy portfolio standard by 2045.

Therefore, your Committee has amended this measure by:

- (1) Requiring the Hawaii Natural Energy Institute to establish a strategic plan through the Department of Business, Economic Development, and Tourism and in cooperation with the Office of the Governor;
- (2) Requiring the Hawaii Natural Energy Institute to submit its strategic plan including proposed strategies, benchmarks, and metrics, and any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023;
- (3) Removing the appropriation for the development of the strategic plan;
- (4) Changing the submission date for the feasibility study conducted by the Hawaii Natural Energy Institute to no later than twenty days prior to the convening of the Regular Session of 2023; 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. 243, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 243, 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. 174 Energy, Economic Development, and Tourism on S.B. No. 775

The purpose and intent of this measure is to reduce the cost burden and negative impact from tourism on local residents by providing a mechanism to adjust the transient accommodations tax rate based on the number of tourists visiting Hawaii each calendar year.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism. Your Committee received comments on this measure from the Department of Taxation, Department of Budget and Finance, Hawai'i Tourism Authority, Tax Foundation of Hawaii, and Hawaii Lodging and Tourism Association.

Your Committee finds that tourism has been a critical industry and a pillar of Hawaii's modern economy for which the people of Hawaii are fortunate. With the numbers of tourists expected to continue to grow annually as Hawaii recovers from the coronavirus disease 2019 (COVID-19) pandemic, capturing additional dollars from tourism can help pay for public services, infrastructure, and other needs that local taxpayers must currently pay for.

Your Committee further finds that to better manage tourism, the existing mechanism to adjust the transient accommodations tax should be modified by creating a more flexible method that allows for a base transient accommodations tax rate that fluctuates by a smaller percentage rate. Your Committee further finds that it is also important to provide clarity to hotels by requiring them to apply the transient accommodations tax rate at the time of the hotel booking.

Your Committee has amended this measure by:

- (1) Changing the baseline transient accommodations tax rate to six percent based on visitor arrivals of six million;
- (2) Adjusting the baseline transient accommodations tax rate by one percent per one million visitor arrivals of seven million visitor arrivals or more and decreasing it by one percent per one million visitor arrivals—but not falling below the baseline tax rate of six percent;
- (3) Requiring the transient accommodations tax rate to apply at the time of the hotel booking;
- (4) Requiring the Hawaii Tourism Authority and the State Data Book to determine and publish the annual visitor arrivals in the State for the preceding calendar year; and
- (5) Changing the effective date of this measure to January 1, 2022.

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. 775, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 775, 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. 175 Energy, Economic Development, and Tourism on S.B. No. 1237

The purpose and intent of this measure is to reduce the cap amounts of the renewable energy technologies income tax credit.

Your Committee received testimony in opposition to this measure from Hawaiian Electric Company, Affordable Solar Contracting, Tesla, Sierra Club of Hawaii, Photonworks Engineering, Kauai Climate Action Coalition, Inter-Island Solar Supply, Alternate Energy Inc., Greenpath Technologies Inc., Grand Solar Inc., Neighborhood Power, Rising Son Solar LLC, Hawaii PV Coalition, Generac, Mercury Solar, PV Tech, Green Power Projects LLC, Hawaii Solar Energy Association, Solar Services Hawaii LLP, 350Hawaii, Climate Protectors Coalition, and forty-seven individuals. Your Committee received comments on this measure from the Department of Taxation, Hawaii State Energy Office, Hawaii Green Infrastructure Authority, Tax Foundation of Hawaii, Ulupono Initiative, and Hawaii Energy.

Your Committee finds that it is important to reduce the cap amounts of the renewable energy technologies income tax credit to allow for funding of other programs.

Your Committee has amended this measure by changing the effective date to January 1, 2022.

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. 1237, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1237, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 176 Transportation on S.B. No. 153

The purpose and intent of this measure is to:

- (1) Establish penalties for violations of the ignition interlock law; and
- (2) Require proof of compliance with the ignition interlock law to be eligible to apply for a driver's license.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Strategic Highway Safety Plan, Mothers Against Drunk Driving Hawaii, SmartStart, Casanova Powell Consulting, Foundation for Advancing Alcohol Responsibility, and Traffic Injury Research Foundation. 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 Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that ignition interlock devices prevent an intoxicated driver from operating a motor vehicle if their breath alcohol concentration exceeds a set point. Since its inception in 2011, the ignition interlock program has prevented over one million impaired driving attempts. This measure will improve upon this program by requiring drivers in the program to provide proof of compliance before their drivers license may be reinstated. Your Committee notes that driving is a privilege and not a right. As such, drivers who lose that privilege due to driving while impaired should demonstrate their fitness for driving by proving compliance with the program.

Your Committee also notes that an issue has been raised regarding equitable impact of this measure due to the cost to participants in the program. Should this measure move forward, your Committee on Judiciary is encouraged to consider the equity issues raised.

Your Committee has amended this measure by inserting an effective date of January 1, 2050, to encourage further discussion.

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. 153, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 153, 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. 177 Transportation on S.B. No. 227

The purpose and intent of this measure is to repeal the provision requiring light transmittance of no less than thirty-five percent on side and rear windows of certain vehicles.

Your Committee received testimony in support of this measure from T&T Tinting Specialists, Inc. Your Committee received testimony in opposition to this measure from the Department of Transportation and Honolulu Police Department.

Your Committee finds that there is a conflict within current law regarding sun screening devices and glazing material, commonly called tinted windows. Currently there are restrictions on the percent of light transmittance on side and rear windows for certain vehicles while other vehicles are exempt from this limitation. This measure creates a more uniform application of existing law by repealing the provision requiring light transmittance of no less than thirty-five percent on side and rear windows of certain vehicles; provided that the vehicle is equipped with rearview mirrors on both sides.

Your Committee has amended this measure by inserting an effective date of January 1, 2050, to encourage further discussion.

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. 227, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 227, 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. 178 Transportation on S.B. No. 650

The purpose and intent of this measure is to clarify fees that may be charged in association with towing services.

Your Committee received testimony in support of this measure from four individuals. Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs, American Property Casualty Insurance Association, and GEICO. Your Committee received comments on this measure from the Hawaii Insurers Council.

Your Committee finds that the fees associated with towing services are determined by the Legislature. Your Committee notes the testimony of consumer advocates that the amended fee schedule would ultimately be passed to consumers and, should this measure move forward, encourages your Committee on Commerce and Consumer Protection to consider what fees may be appropriate.

Your Committee has amended this measure by inserting blank fee amounts, to encourage further discussion.

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. 650, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 650, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 179 Transportation on S.B. No. 1291

The purpose and intent of this measure is to:

- (1) Include autocycles equipped with handlebars in the definition of motorcycles in the Hawaii Safety Act; and
- (2) Exempt motorcycles and motor scooters with a partial enclosed cab, in addition to those with a full body enclosed cab, from the safety helmet requirement.

Your Committee received testimony in support of this measure from Arcimoto and two individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation.

Your Committee finds that electric three-wheeled vehicles are a promising source of affordable emissions-free vehicles for Hawaii residents. However, because this type of vehicle typically uses handlebars in lieu of a steering wheel in order to reduce the weight of the vehicle, they do not fall under the statutory definition of an autocycle. This measure will amend the definition of "motorcycle," which includes the definition of an "autocycle," so that vehicles with handlebars and three wheels can meet the definition. Additionally, this measure amends the exemption from the safety helmet requirement provided that the vehicle has a roll bar, a roll cage, or full body enclosed cab.

Your Committee has amended this measure by replacing the "partial or full body enclosed cab" exception with "roll bar, roll cage, or full body enclosed cab."

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. 1291, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1291, 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. 180 Transportation on S.B. No. 754

The purpose and intent of this measure is to lower the threshold blood alcohol concentration (BAC) 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 National Transportation Safety Board, Department of Transportation, Hawaii Strategic Highway Safety Plan, Kauai County Office of the Prosecuting Attorney, Honolulu Police Department, Maui Police Department, Mothers Against Drunk Driving Hawaii, SparksInitiatives, Hawaii Alcohol Policy Alliance, National Safety Council, Hawaii Public Health Institute, and five individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, American Beverage Institute, and one individual.

Your Committee finds that when Hawaii was one of the earliest states to lower its BAC limit from .10 to .08 for classification of impaired driving, the alcohol-related fatality rates dropped. When Utah became the first state to lower its legal BAC limit from .08 to .05 in 2018, the state saw a nearly forty-four percent decrease in alcohol-related crashes and a seventy percent decrease in fatalities in the first year of enactment. Moreover, research shows that among drivers with a BAC between .05 to .79, which would still be below the legal BAC level allowed under current Hawaii law, the risk of being in a single-vehicle fatal crash is at least seven times higher than for drivers with no alcohol in their system. This measure is intended to save lives by lowering the BAC limit from .08 to .05 for the 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. 754 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. 181 Transportation on S.B. No. 766

The purpose and intent of this measure is to allow a penalty of up to \$5,000 for repeat offenders of the motor carrier law.

Your Committee received testimony in support of this measure from the Public Utilities Commission, Hawaii Transportation Association, and twenty-seven individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that commercial Public Utilities Commission (PUC) motor carriers traditionally transport high numbers of tourists to many locations around the State. However, the trucking and tour vehicle industry have long had to contend with unlicensed and unregulated operators who seek to skirt the PUC requirements of motor carrier operations. This measure will strengthen the PUC's ability to punish those who repeatedly break the rules.

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. 766 and recommends that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

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

SCRep. 182 Education on S.B. No. 76

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 to:

- (1) Require the Board of Education to prioritize, for the Superintendent of Education position, candidates that have the minimum qualification of ten years of employment in a department of education with at least five of those years serving in the capacity as a principal or higher; and
- (2) Specify that a desired qualification for a candidate is having a working understanding of the State's tri-level system of educational administration.

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. 76, as amended herein, and recommends that it be recommitted to your Committee on Education, in the form attached hereto as S.B. No. 76, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

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

SCRep. 183 Education on S.B. No. 863

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

- Conduct an electrical assessment on all public and charter schools in the State to determine whether their electrical capacity
 will allow for the installation of air conditioning units and other air purifying devices and note the level of need in each
 classroom; and
- (2) Submit a report of its findings and recommendations to the Legislature no later than December 31, 2021.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association and one individual. Your Committee received comments on this measure from the Department of Education and State Public Charter School Commission.

Your Committee finds that many Hawaii schools face extreme heat in their classrooms. Your Committee further finds that research demonstrates that the longer and more consistently students are exposed to classroom cooling, the better and more stable their performance gains tend to be. Conversely, students exposed to thermal conditioning for only short or intermittent periods of time achieved less than their peers. Further, proper cooling systems lead to better attitudes toward learning, fewer disciplinary problems, and sustained achievement. This measure is a step towards ensuring that classrooms are of suitable temperatures for successful student learning.

Your Committee has amended this measure by clarifying that the Department of Education shall only be required to complete the electrical assessment on all public and conversion charter schools.

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. 863, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 863, 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. 184 Water and Land on S.B. No. 570

The purpose and intent of this measure is to amend the definition of "historic property" under the Historic Preservation Law to require that the property meets the criteria for being entered into the Hawaii Register of Historic Places.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Housing Finance and Development Corporation, and Historic Hawai'i Foundation. 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 to be eligible for inclusion in the Hawaii Register of Historic Places, a property must be significant in the history, architecture, archeology, or culture of the State, its communities, or the nation. Your Committee further finds that the current definition for "historic property" merely considers the property's age of construction, which is not equivalent to its historic importance. According to testimony received by your Committee, this measure would address this issue by also considering the property's integrity and historical significance. Your Committee notes that this measure would allow the Hawaii State Historic Preservation Division to focus its reviews on appropriate properties and help clear their backlog.

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. 570 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; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 185 (Majority) Water and Land on S.B. No. 1169

The purpose and intent of this measure is to:

- (1) Clearly define dispositions for the use of water by the Board of Land and Natural Resources (Board) by way of licenses for water rather than conveyance of any property right or interest in water via a lease;
- (2) Clarify the water disposition process and the development and implementation of the watershed management plan required of the licensee; and
- (3) Require the Board to consult with the Commission on Water Resource Management on any proposed license to ensure that the disposition is consistent with water resource management requirements.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Farm Bureau, and Hawaiian Electric Company. Your Committee received testimony in opposition to this measure from Kaua'i Island Utility Cooperative. Your Committee received comments on this measure from Sierra Club of Hawai'i and Wai'oli Valley Taro Hui.

Your Committee finds that this measure would provide much needed efficiency, direction, certainty, and clarity to the current water disposition process. According to testimony received by your Committee, the current requirement for the disposition of water by public auction is patently unfair and unpredictable, especially for farmers and ranchers that have invested years in the land to create successful businesses. Your Committee further finds that this measure will support agricultural and renewable energy (hydroelectric) projects, improve the State's food and energy independence and sustainability, and ensure responsible stewardship of public trust resources, including water resources from forested watersheds.

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. 1169, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1169, 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 (Misalucha). Noes, 1 (Fevella). Excused, none.

SCRep. 186 Water and Land on S.B. No. 1175

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or similar agreement for mutual assistance in the enforcement of wildlife laws.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, For the Fishes, and Hawaiian Humane Society.

Your Committee finds that the Interstate Wildlife Violator Compact is a multistate agreement that promotes enforcement of hunting, fishing, trapping, and other wildlife related regulation across state lines. According to testimony received by your Committee, forty-eight states have passed legislation necessary to join the Interstate Wildlife Violator Compact, whereby persons who have had their licenses revoked in one state are prohibited from engaging in those licensed activities in another state that is part of the compact agreement. Currently, Hawaii is not a member of the Interstate Wildlife Violator Compact. Your Committee further finds that this measure would enhance Hawaii's ability to protect and manage wildlife resources for the benefit of all residents and visitors.

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. 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 referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

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

SCRep. 187 Commerce and Consumer Protection on S.B. No. 223

The purpose and intent of this measure is to:

- (1) Require contractors and subcontractors to submit tax clearances as a condition of obtaining building permits for private developments exceeding a certain value; assigning a contract for private developments exceeding a certain value; and obtaining final inspection of private developments exceeding a certain value;
- (2) Authorize the department of taxation to require that tax clearance applications be submitted electronically;
- (3) Establish penalties; and
- (4) Appropriate funds for grants-in-aid to the counties.

Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting and Building Industry Association of Hawaii. Your Committee received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, and the Subcontractors Association of Hawaii.

Your Committee finds that current administrative rules require tax clearances to obtain or renew a contractor's license during each even-numbered year. This measure in essence codifies this practice for purposes of obtaining building permits. Your Committee notes the problematic grant-in-aid appropriation language included in the current version of this measure, due to title concerns. Accordingly, amendments to this measure are necessary.

Your Committee has amended this measure by:

- (1) Clarifying that a building license issued pursuant to this measure shall be valid for two years, provided that all appropriate tax clearances were obtained and submitted with the application;
- Clarifying that, if the building license expires, all state and county contracting officers or agents shall withhold final inspection in certain circumstances;
- (3) Deleting language that would have appropriated funds for grants-in-aid to the counties;
- (4) Inserting an effective date of January 1, 2022;
- (5) Inserting a repeal date of December 31, 2026; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 223, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 223, 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. 188 Commerce and Consumer Protection on S.B. No. 946

The purpose and intent of this measure is to:

- (1) Establish a Commercial Rent Relief Grant Program; and
- (2) Require that the Commercial Rent Relief Grant Program be given priority for moneys received through federal funding.

Your Committee received testimony in support of this measure from the Hawai'i Lodging & Tourism Association; Chamber of Commerce Hawaii; Maui Chamber of Commerce; Hawai'i Farm Bureau; Hawai'i Association of REALTORS; Retail Merchants of Hawaii; Hawaii Food Industry Association; Island Business Management, LLC; Ale Stake, LLC, dba Village Bottle and Tasting Room; Suzuki Properties, LLC; Retail Entertainment Concepts, Inc., dba Jungle Fun Island; Fun Factory, Inc.; ABC Stores; Eggs'n Things Hawaii, Inc., dba Eggs'n Things; Global Village; MW Group, Ltd.; Building Owners and Managers Association of Hawaii; HawaiiUSA Federal Credit Union; Joe's Grill Express; WUB Network Hawai'i - Okinawan Chamber of Commerce; and one individual.

Your Committee finds that, as a result of the coronavirus disease 2019 (COVID-19) pandemic and stagnation of the tourism economy, it is estimated that more than one thousand four hundred local businesses have closed their doors permanently, with another two thousand suspending their operations at least temporarily. Commercial rent remains one of the largest fixed costs for a business, and without the ability to take on more debt or additional governmental support, the expenses being absorbed by both lessors and lessees will result in additional closures, further damaging this sector of the economy. The program established by this enabling measure will serve as an essential catalyst for businesses and landlords to work together through the assistance of federal funds.

Your Committee notes this measure, as currently drafted, appropriates \$180,000,000 from the general fund, to be deposited into the emergency and budget reserve fund (also known as the "rainy day fund") for the purposes of funding the grant program contemplated by this measure. Due to the effect the COVID-19 pandemic has had on the State's budget and general fund, your Committee recognizes this measure requires federal funds to be available to reimburse the State's general fund and appropriately establish and operate this proposed grant program. Your Committee finds that your Committee on Ways and Means is best suited to consider these funding aspects, and requests your Committee on Ways and Means to consider whether federal funds are anticipated to come to the State for this purpose, and if so, to make this grant program a priority to support struggling local businesses.

Your Committee has amended this measure by:

- (1) Inserting an unspecified dollar amount to be appropriated out of the general revenues of the State of Hawaii and deposited into the emergency and budget reserve fund;
- (2) Inserting an unspecified dollar amount to be appropriated out of the emergency and budget reserve fund for grants under the Commercial Rent Relief Grant Program; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 946, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 946, 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. 189 (Majority) Commerce and Consumer Protection on S.B. No. 1201

The purpose and intent of this measure is to:

- (1) Require that any license issued under section 237-9, Hawaii Revised Statutes, be renewed biennially;
- (2) Permit the Department of Taxation to charge a fee for biennial renewals; and
- (3) Permit the Department of Taxation to require biennial renewals be applied for electronically.

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 general excise tax license holders who close their businesses fail to cancel their licenses, which leads to the Department of Taxation's records being filled with defunct licenses. According to the Department of Taxation's testimony, the Department has found that many taxpayers fail to update their business registration and contact information when there are changes, leading to a waste of State resources when Department mailings get returned and Department personnel have to manually search for the taxpayer's new address. This measure requires general excise tax license holders to renew their licenses biennially, and allows for electronic filing, which will help facilitate efficient tax administration.

Your Committee has amended this measure by:

- (1) Clarifying that existing general excise tax licenses issued and in effect on or before the effective date of this measure shall be subject to renewal beginning in 2022, provided that the Department of Taxation shall not immediately charge a fee for the renewal; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1201, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1201, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (San Buenaventura, Fevella). Noes, 1 (Riviere). Excused, none.

SCRep. 190 Commerce and Consumer Protection on S.B. No. 1105

The purpose and intent of this measure is to:

- (1) Allow a person aggrieved by the fraud, misrepresentation, or deceit of a mortgage loan originator company licensee to receive restitution payment upon a final court order;
- Repeal fees paid by mortgage loan originator companies and their branch office locations to the Mortgage Loan Recovery Fund; and
- (3) Provide the Commissioner of Financial Institutions with the authority to consider applications to recover from the fund.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds a person who holds a court order against a mortgage loan originator or a mortgage loan originator company licensee for fraud, deceit, or misrepresentation is eligible to receive restitution from the Mortgage Loan Recovery Fund. However, that person must obtain a separate order from the court to receive the restitution payment from the Mortgage Loan Recovery Fund. In one recent example, it took the court approximately eight months to order the Division of Financial Institutions to issue the restitution payment. This measure will allow aggrieved persons to receive restitution payments more efficiently, as the Division of Financial Institutions will be able to issue those payments pursuant to final, rather than separate, court orders. Additionally, this measure repeals fees paid by mortgage loan originator companies and their branches to adjust the funding level of the Mortgage Loan Recovery Fund because currently there are sufficient funds to make restitution payments to aggrieved persons by assessing individual mortgage loan originators, as required by federal law.

Your Committee has amended this measure by clarifying that this measure shall take effect on July 1, 2021.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1105, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1105, 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. 191 Commerce and Consumer Protection on S.B. No. 1198

The purpose and intent of this measure is to:

- (1) Allow the Department of Taxation to mandate the electronic filing of partnership and S-corporation returns if the taxpayer's gross receipts exceed \$250,000 and individual tax returns if the federal adjusted gross income as shown on the taxpayer's Hawaii return exceeds \$100,000;
- (2) Require certain tax return preparers to file returns electronically and authorize a penalty for failure to do so;
- (3) Amend the rules for electronic funds transfer to remove the authorization to require electronic funds transfer or electronic filing if the federal government required that person to file or pay electronically and requires electronic funds transfers for tax return preparers and any person subject to mandatory electronic filing;
- (4) Remove the timeliness requirement from the electronic funds transfer penalty;

- (5) Remove the authority of the Department of Taxation to charge for certified copies of tax clearances;
- (6) Authorize limited disclosure of tax information to licensing agencies with respect to tax clearances for liquor license holders; and
- (7) Clarify the interest rate for payments made to taxpayers out of the litigated claims fund.

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 makes various amendments to existing State law to improve general tax administration. This measure is also consistent with the national trend toward electronic filing and electronic payments, which further adds clarity and efficiency to tax administration.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1198, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1198, 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. 192 (Majority) Hawaiian Affairs on S.B. No. 1317

The purpose and intent of this measure is to provide the Department of Hawaiian Home Lands with the funds to which the Office of Hawaiian Affairs is entitled under article XII, section 6, of the Hawaii State Constitution and section 10-13.5, Hawaii Revised Statutes. Specifically, this measure:

- Requires agencies that collect receipts related to the public land trust to transfer twenty percent of such receipts to the Office of Department of Hawaiian Home Lands on a quarterly basis;
- (2) Sets the minimum aggregate quarterly transfer of receipts to the Department of Hawaiian Home Lands at \$3,775,000;
- (3) Directs the Director of Finance to transfer funds to the Department of Hawaiian Home Lands in satisfaction of any quarterly shortfall;
- (4) Transfers to the Department of Hawaiian Home Lands all overpayment funds collected in fiscal year 2012-2013 through fiscal year 2020-2021 from the carry-forward trust holding account established pursuant to Executive Order No. 06-06, plus any additional overpayments collected in the holding account in fiscal year 2021-2022 and 2022-2023; and
- (5) Establishes a public land trust revenues negotiating committee to make recommendations to the Legislature for resolving the matter of the amount of the income and proceeds from the public land trust that the Department of Hawaiian Home Lands shall receive annually.

Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Department of Agriculture, Department of the Attorney General, Department of Budget and Finance, Department of Hawaiian Home Lands, University of Hawai'i System, Office of Information Practices, Hawaii Health Systems Corporation, and League of Women Voters.

Your Committee finds that there is a constitutional obligation for the State to provide a sufficient sum of income and proceeds as the pro rata share of the public land trust for the betterment of the conditions of native Hawaiians. Act 178, Session Laws of Hawaii 2006 (Act 178), put in place annual payments of \$15,100,000 from the pro rata portion of the public land trust to the Office of Hawaiian Affairs in acknowledgment of the State's constitutional obligation. However, Act 178 was passed with the intention that it would be an interim measure until the Legislature could further assess the complexities of the issue, including in part gathering information on revenue-generating public trust lands and amounts derived from those lands. Your Committee finds that since Act 178 was passed, the Legislature has received additional information from the departments and the Office of Hawaiian Affairs on the annual amounts derived from the public land trust. For fiscal years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020, the State reported to the legislature total gross Public Land Trust receipts in the amounts of \$150,939,203, \$159,971,589, \$163,322,176, \$178,043,261, \$177,617,893, \$202,528,564, \$225,079,055, \$289,767,657, and \$229,631,870 respectively, or an average of \$197,433,474 over the last nine fiscal years. Twenty per cent of the average reported gross receipts for fiscal years 2011-2012 through 2019-2020 is \$39,486,695.

Your Committee further finds that the Hawaiian Homes Commission Act provides for the rehabilitation of the native Hawaiian people through a government-sponsored homesteading program for individuals having at least fifty percent blood quantum. Despite constitutional obligation of the Department of Hawaiian Home Lands and Hawaiian Homes Commission under article XII, section 1, of the Hawaii State Constitution, the State has failed to provide sufficient funds to the Department of Hawaiian Home Lands to minimize the number and waiting time on its waiting lists for homesteads to a reasonable level. Additionally, the Department of Hawaiian Home Lands does not currently receive sufficient funding to meet its goal in reducing the waiting list by ninety percent over the next decade. Therefore, this measure is needed to provide for a source of revenue to allow the Department of Hawaiian Home Lands to meet its constitutional amendments in alleviating the waitlist.

Despite the ongoing, urgent economic crisis faced by the State, this measure does not require any general fund appropriations, nor does it require state agencies to set aside more funds than they are already required. This measure intends to ensure that the full twenty percent of public land trust receipts that agencies set aside as native Hawaiians' pro rata share can be used to benefit native Hawaiians.

However, your Committee has heard the concerns of the Office of Hawaiian Affairs that although both the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands have trusts rooted in the Admission Act and the Hawaii State Constitution, and have a similar history of underfunding by the State, the basis for the State's obligation to each entity is distinct and the spending of each trust fund is separately overseen by each organization's governing body pursuant to the Hawaii State Constitution. Article XII, section 6, of the Hawaii Constitution designates the Office of Hawaiian Affairs as the receiving agency for all the pro rata portion receipts that go toward the betterment of the conditions of native Hawaiians. There is no analogous provision in the Hawaii State Constitution that provides the Department of Hawaiian Home Lands with any portion of the receipts collected from the lands of the public land trust. Moreover, the Hawaii State Constitution does not specify the amount, percentage, or nature of the income or proceeds from the lands referred to in article XII, section 4, of the Hawaii State Constitution that must be transferred to the Office of Hawaiian Affairs. The Department of Hawaiian Home Lands administers a different trust comprised of different lands under the Hawaiian Homes Commission Act.

The Office of Hawaiian Affairs noted further concerns that by halting the transfer for public land transfers to the Office of Hawaiian Affairs, this measure would thereby abdicate the State's constitutional obligations under the Public Land Trust. Redirecting receipts to the Department of Hawaiian Home Lands may impede the State's obligation under article XII, section 6, of the Hawaii State Constitution, which provides that "all income and proceeds from that pro rata portion of the [public land trust]...for native Hawaiians" is to be managed and administered by the Board of Trustees of the Office of Hawaiian Affairs. By diverting these revenues to the Department of Hawaiian Home Lands, this measure could be interpreted to supplant the State's separate and independent constitutional obligation to sufficiently fund the administration and operation of the Department of Hawaiian Home Lands.

The Department of the Attorney General also noted concerns that this measure requires state agencies to transfer twenty percent of each receipt or gross income derived from the public land trust. Transferring twenty percent of gross income could adversely affect important governmental programs, which could come in the form of higher lease rents in affordable housing projects, higher fees at state harbors, and an increased cost of services operated by the State on public lands, which would be passed onto consumers, businesses, and taxpayers. The Department highlighted its trust responsibilities to exercise a level of care and skill in administering the trust as a person of ordinary prudence; therefore, transferring twenty percent of gross income without consideration of the detrimental impact to the trust and the enterprises thereon would not be an exercise of ordinary prudence.

Your Committee has heard the additional concerns of the Department of the Attorney General that this measure would require all agencies collecting receipts from the public land trust to indiscriminately transfer twenty percent of such receipts to the Office of Hawaiian Affairs. In Office of Hawaiian Affairs v. State, 96 Haw. 388, 31 P.3d 901 (2001), the United States' Supreme Court ruled that a twenty percent transfer requirement as applied to the Department of Transportation's airport revenues conflicted with federal transportation statutes. Therefore, this measure's return to a twenty percent transfer requirement for all agencies may raise issues of preemption.

Furthermore, your Committee also notes the concerns of the Department of the Attorney General and Department of Budget and Finance regarding the carry-forward trust holding account established by Executive Order 06-06, due to the financial strain caused by the coronavirus disease-2019 (COVID-19) pandemic, which has had a negative impact on the ability of state agencies to collect revenue that may result in insufficient sums to meet the minimum \$3,775,000 quarterly payments. Additionally, if the amounts in the holding account are transferred to the Department of Hawaiian Home Lands, there will be no contingency funds to meet the minimum payments as set by Act 178. The Department of Budget and Finance also presented concerns that the measure does not provide a framework for administering the transfer of ceded land payments to the Department of Hawaiian Home Lands.

Your Committee has additionally heard the concerns of the Hawaii Health Systems Corporation, Department of Agriculture, and the Department of Land and Natural Resources that this measure places undue hardships on their agency operations.

Your Committee has also heard the concerns of the University of Hawai'i System citing article X, section 5, of the Hawaii State Constitution, which states that the University shall have title to all real and personal property conveyed to it, which shall be held in public trust to further its purposes as a model indigenous-serving university.

While the Department of Hawaiian Home Lands acknowledged that the Department does not currently receive sufficient funding to develop house lots for all applicants on the waiting list, the Department of Hawaiian Home Lands provided comments that the Hawaii State Constitution established the Office of Hawaiian Affairs to manage and administer the proceeds from the sale or other disposition of the lands and income from the public land trust.

Your Committee has heard the concerns of the Office of Information Practices that the measure as drafted would exempt the public land trust revenues negotiation committee from being subject to chapter 92, Hawaii Revised Statutes, because this exemption creates the appearance that the sensitivity of negotiations precludes public participation in the process.

Accordingly, in response to the numerous concerns of the testifiers, your Committee has amended this measure by:

- (1) Updating dollar amounts referenced in section 1;
- (2) Inserting language in section 1 to acknowledge the sensitive nature of anticipated negotiations and provide an explanation for the exemption of the public land trust revenues negotiating committee from part I of chapter 92, Hawaii Revised Statutes;
- (3) Clarifying that the quarterly transfer of receipts shall occur unless precluded by federal law;
- (4) Inserting a blank dollar amount for the minimum total amount of receipts transferred to the Department of Hawaiian Affairs for any fiscal quarter;
- (5) Inserting a definition for the term "receipt";

- (6) Inserting a blank dollar amount required to be left in the holding account to act as contingency payments;
- (7) Clarifying that the public land trust revenues negotiating committee is exempt from part I of chapter 92, Hawaii Revised Statutes, rather than the entire chapter;
- (8) Inserting language to clarify that nothing in this measure shall diminish the revenues owed to the office of Hawaiian affairs pursuant to Act 178, session laws of Hawaii 2006, or any other law providing for the office of Hawaiian affairs' pro rata portion of the public land trust under article XII, section 6, of the Hawaii State Constitution; 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 Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1317, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1317, 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; Ayes with Reservations (Ihara). Noes, 1 (Fevella). Excused, none.

SCRep. 193 Hawaiian Affairs on S.B. No. 1413

The purpose and intent of this measure is to require the Governor, Lieutenant Governor, state legislators, and heads of principal departments to prominently display a Hawaiian language translation of the name of their office or department at least once on the main page of their official website and in the letterhead of their stationary.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission and two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the Hawaii State Constitution provides for the preservation and promotion of native Hawaiian culture, history, and language. Article X, section 4, of the Hawaii State Constitution provides that "[t]he State shall promote the study of Hawaiian culture, history, and language." Article XII, section 7, of the Hawaii State Constitution provides for the protection of native Hawaiian traditional and customary rights. Article XV, section 4, of the Hawaii State Constitution also establishes English and Hawaiian as the official languages of the State. The Hawaiian language is also established in section 1-13, Hawaii Revised Statutes, as one of the official languages of the State. Additionally, language rights are specifically recognized and protected in Article 13 of the United Nations Declaration on the Rights of Indigenous Peoples, which provides that states shall take effective measures to ensure that the right to revitalize, use, and develop language for communities. Your Committee further finds that one way to preserve and promote native Hawaiian culture, history, and language is by requiring state and county documents, letterheads, symbols, and emblems to contain accurate, appropriate, and authentic Hawaiian names and language.

Your Committee has amended this measure by:

- (1) Inserting the contents of S.B. No. 711, a substantially similar measure, which:
 - (A) Requires 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;
 - (B) Establishes references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation; and
 - (C) Clarifies 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;
- (2) Replacing the Office of Hawaiian Affairs with the University of Hawaiia Ka Haka 'Ula o Ke'elikolani or Kawaihuelani Center for Hawaiian Language as the entity to consult with each office or department on the appropriate translation and use of the Hawaiian language and its spelling;
- (3) Requiring that the University of Hawaii System Ka Haka 'Ula o Ke'elikōlani or Kawaihuelani Center for Hawaiian Language consult with native speakers to determine the appropriate use of the Hawaiian language and its spelling in the translations;
- (4) Defining "native speakers" as speakers of Hawaiian language who come from an unbroken lineage of primary speakers of Hawaiian language; 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 is in accord with the intent and purpose of S.B. No. 1413, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1413, 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. 194 Hawaiian Affairs on S.B. No. 1343

The purpose and intent of this measure is to:

- (1) Remove acreage restrictions on leases of Hawaiian home lands for agricultural purposes;
- (2) Provide that the availability of these leases be subject to the availability of suitable tracts of land; and
- (3) Specify that the leases may be for for-profit or non-profit purposes.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of Hawaiian Home Lands and one individual.

Your Committee finds that the Department of Hawaiian Home Lands' subsistence agricultural program is intended for those individuals who seek to be self-sufficient and grow enough to be self-sufficient. As originally enacted by the United States Congress, the Hawaiian Homes Commission Act authorized the Hawaiian Homes Commission to lease twenty to eighty acres of agricultural land. In the present day, the Hawaiian Homes Commission Act authorizes the Department of Hawaiian Home Lands to lease no more than forty acres of agricultural land with at least twenty-six of those acres of continuous cultivation.

Your Committee finds that beneficiaries have voiced concerns of current agricultural lessees. There are concerns that applicants on the agricultural lease waitlist have voiced concerns of agricultural lessees not farming their land. Among agricultural applicants who are farming, fifty-five percent of farmers engage in subsistence farming, only growing enough crops to provide for the need of their household members. An additional twenty percent are growing enough to provide for some of the needs of their household members. Nearly six out of ten agricultural applicants seek to engage in subsistence farming. Fifty-nine percent of applicants were willing to accept agricultural parcels of two acres or less and another twenty-three percent indicated that a lot size between three and five acres would be acceptable.

Your Committee has heard the concerns from the Department of Hawaiian Home Lands that removing acreage restrictions statewide would have an impact on over nineteen thousand applicants that are on the waitlist for an agricultural lease with 7,269 applicants on Hawaii Island; 4,666 applicants on Maui; 3,817 applicants on Oahu; 2,235 applicants on Kauai; and 1,097 applicants on Molokai. If each of the current 19,084 applicants on the waitlist were provided with a forty-acre parcel, the Department would be required to provide 763,360 acres of land, which is more than triple the amount of lands currently available under the Hawaiian Homes Commission Act. While removing the acreage restriction would potentially allow for expanded opportunities in certain areas for farming, these lands are not outfitted with the proper infrastructure and water for cultivation which would make these agricultural lands difficult to utilize. In addition, the Department of Hawaiian Home Lands would likely have to assist in providing technical assistance and financial support for beneficiaries to be successful.

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. 1343, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1343, 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 (Ihara). Noes, none. Excused, none.

SCRep. 195 (Majority) Hawaiian Affairs on S.B. No. 1323

The purpose and intent of this measure is to require the Department of Hawaiian Home Lands to develop a strategic plan based on a comprehensive assessment of the needs of beneficiaries to devise and implement coordinated long-term solutions for eliminating the waiting list for a home land lease with an emphasis on leveraging its trust resources, statutory powers, and other means of state funding and support to focus on lot development and distribution.

Your Committee received comments on this measure from the Department of Hawaiian Home Lands and one individual.

Your Committee finds that more than two thousand native Hawaiian beneficiaries have died while on the Hawaiian homes waiting list for a home land lease, and twenty-eight thousand beneficiaries currently remain on the waitlist, half of which are over the age of sixty. Additionally, the Department of Hawaiian Home Lands recently estimated that to house all the beneficiaries of the waitlist, cost projections range between for \$4,000,000,000 to \$12,000,000,000 for infrastructure alone. Your Committee finds that the Department of Hawaiian Home Lands has not made strident efforts to eliminate the waitlist for leases of Hawaiian home lands which has led to a mismanagement of the trust, causing native Hawaiian beneficiaries to languish. As of November 30, 2020, there were 10,881 applicants from the island of Oahu; 5,905 applicants from the island of Hawaii; 3,859 applicants from the island of Maui; 1,693 applicants from the island of Kauai; eight hundred forty applicants from the island of Molokai; and seventy-four applicants from the island of Lanai on the waitlist.

Your Committee also finds that the Hawaii Supreme Court has upheld the State's constitutional duty to make sufficient sums available for the Department of Hawaiian Home Lands' administrative and operating budget. The Department of Hawaiian Home Lands submitted its executive biennium budget request for fiscal year 2018 for \$73,425,000 for lot development, but only received \$20,000,000. The Department of Hawaiian Home Lands submitted its executive biennium budget request for fiscal year 2019 for \$88,975,000 for lot development, but only received \$20,000,000. The Department of Hawaiian Home Lands submitted its executive biennium budget request for fiscal year 2020 for \$74,775,000 for lot development, but only received \$20,000,000. For the fiscal years from 2018 to 2020, the Department has requested \$237,175,000, and has only received \$60,000,000 for lot development, resulting in a difference of \$177,175,000.

While your Committee further finds that the Department of Hawaiian Home Lands conducted studies in 1995, 2003, 2008, and 2014 which outlined goals on emphasizing management of their existing land inventory, their plans have not made explicit mention of providing lot development on a trajectory that would extinguish the waitlist. Additionally, the Department of Hawaiian Home Lands has shifted to more expensive housing developments that may have exacerbated the problems of people remaining on the waiting list for extended periods of time and failed to aggressively pursue diversification of housing awards for diversified housing arrangements. Therefore, your Committee finds that this measure is necessary to assess beneficiaries' needs and create a long-term strategic plan to eliminate the waitlist for home lease lands.

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. 1323, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1323, 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, 1 (Acasio). Excused, none.

SCRep. 196 Hawaiian Affairs on S.B. No. 1412

The purpose and intent of this measure is to direct the Department of Budget and Finance to issue special purpose revenue bonds for the planning, designing, constructing, reconstructing, renovating, acquiring, equipping, and improvement of the Honokea Surf Village.

Your Committee received testimony in support of this measure from HK Management, LLC and twenty-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 Budget and Finance and the Hawaii Community Development Authority.

Your Committee finds that on January 8, 2020, the Hawaii Community Development Authority held a Kalaeloa Authority Meeting where members authorized the Executive Director to enter into an exclusive negotiations agreement and right of entry agreement with HK Management for a period of eighteen months to provide site control to conduct due diligence and further explore the possibility of the proposed Honokea Surf Village project at the site. The Honokea Surf Village is intended to be a surf industry center, consisting of research, development, manufacturing, and testing facilities; a surf and aquatic film studio; and an artificial surf park that can be used as a design testing facility, filming location, training venue, and place for surf meets of all levels, including high school. Moreover, the activities within the project facilities will provide opportunities for cultural education, awareness of the history of surfing and Hawaiian culture, and employment opportunities at Honokea Surf Village and related local businesses.

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. 1412, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1412, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 197 Hawaiian Affairs on S.B. No. 696

The purpose and intent of this measure is to extend the date on which the Temporary Commission on the Thirteenth Festival of Pacific Arts shall cease to exist to August 31, 2025, and permits the Commission members to discuss matters relating to official board business without regard to chapter 92, Hawaii Revised Statutes, to enable them to perform their duties faithfully.

Your Committee received testimony in support of this measure from Department of Business, Economic Development, and Tourism; Hawai'i Tourism Authority; and one individual. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the Festival of Pacific Arts and Culture has been held approximately every four years since its founding in 1972, bringing together a delegation of at least two thousand five hundred artists, performers, and cultural practitioners from twenty-seven nations in Oceania to preserve, perpetuate, and exchange the arts and cultures of their indigenous peoples. Visitors from around the world attend the festival to experience and appreciate what the artists, performers, cultural practitioners, and host country bring to share, thereby creating a global market for arts, ideas, and products.

Additionally, the Legislature finds that Act 104, Session Laws of Hawaii 2017, created the temporary Commission on the Thirteenth Festival of Pacific Arts to plan the Festival of Pacific Arts originally scheduled to be held in Hawaii in June 2020. Due to the outbreak of the coronavirus disease 2019 (COVID-19), the Pacific Community, the international custodian of the festival, notified the State that it is postponing the Festival to 2024. Therefore, the temporary Commission, which was to cease to exist on June 30, 2021, must be extended to fulfill its duties to plan the Thirteenth Festival of Pacific Arts in 2024.

Your Committee has heard the concerns of the Office of Information Practices that this measure would propose an exemption of chapter 92, Hawaii Revised Statutes. To carry-out and coordinate these responsibilities of the Commission to ensure a successful festival, occasionally more than a quorum of the Commission members must be able to communicate expeditiously and outside of the confines of chapter 92, Hawaii Revised Statutes. At the same time, the Legislature finds that the Commission is committed to fulfilling the policy and intent of chapter 92, Hawaii Revised Statutes, including by holding regularly scheduled open meetings and posting notices and minutes. The Office of Information Practices recommended in its testimony that your Committee should tailor a permitted interaction to be consistent with chapter 92, Hawaii Revised Statutes, to meet this intent.

Your Committee has amended this measure by:

- (1) Permitting less than a quorum of commission members to discuss matters relating to official board business outside a commission meeting as a permitted interaction under part I of chapter 92, Hawaii Revised Statutes, to enable them to perform their duties faithfully, provided that the Commission holds a meeting at least once a month and discusses the permitted interaction matter at the next meeting; 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. 696, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 696, 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. 198 Hawaiian Affairs on S.B. No. 1318

The purpose and intent of this measure is to require that claimants seeking to quiet title of kuleana land and original land titles that are land commission awards with a royal patent of confirmation which are based on claims to a right to the land before 1848, shall have a good faith claim to more than fifty percent of the land.

Your Committee received testimony in support of this measure from four individuals. Your Committee received comments on this measure from Ka Lāhui Hawai'i Kōmike Kalai'āina and one individual.

Your Committee finds that the State has a constitutional duty to protect the title to kuleana lands granted to native Hawaiians over one hundred fifty years ago, kuleana claims that were approved by the land commission, and land titles with a royal patent of confirmation which are based on claims to a right to land before 1848. Following the Mahele of 1848, several thousand native tenants, or makaainana (common people), pursuant to the Kuleana Act of 1850, filed for and were granted title to lands they occupied and improved. Although these lands were, by law, "subject to the rights of native tenants" there were, initially, no formal protections in place to guard these rights and nothing to stop the konohiki (chiefs) or the government from selling lands occupied by makaainana. In response to the concerns over the rights of native tenants, the Kuleana Act of August 6, 1850, and the amendment of July 11, 1851, authorized the Kingdom of Hawaii to confirm several resolutions of the Monarch and Privy Council that granted to the makaainana grant fee-simple title to all native tenants for their cultivated lands and house lots, often referred to as kuleana lands.

Your Committee also finds that very few native Hawaiian families live on their ancestral kuleana lands. The rapid escalation of land values in the recent years have resulted in further disenfranchisement, foreclosure, and emotional and financial struggles for native Hawaiian families that are trying to keep kuleana lands in their families. While quiet title actions have been a beneficial legal tool for kuleana awardees to resist adverse possession claims made by large agricultural entities, the current framework of quiet title action leaves kuleana owners vulnerable to dispossession, including through the use of complex and cost-prohibitive legal processes that effectively foreclose quiet title defendants from challenging quiet title actions and adverse possession claims.

Your Committee notes concerns raised by Ka Lāhui Hawai'i Kōmike Kalai'āina that this measure could be strengthened further by limiting actions to quiet title to kuleana land to plaintiffs who own at least a fifty percent interest in the land. This measure will create a more equitable and timelier safeguard to resolve disputes and hardships stemming from quiet title actions filed against owners of kuleana lands.

Your Committee has amended this measure by:

- (1) Requiring that claimants seeking to quiet title of kuleana land shall hold title rather than have a good faith claim, to more than fifty percent of the land;
- (2) Inserting language to require that the plaintiff bear any costs for quiet title actions and may only recover costs, expenses, or attorney's fees from the defendant as the court may deem equitable under the circumstances; 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. 1318, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1318, 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 (Fevella). Noes, none. Excused, none.

SCRep. 199 Human Services on S.B. No. 410

The purpose and intent of this measure is to add offenses relating to abuse of a family or household member to the list of felonies that qualify for repeat offender sentencing.

Your Committee received testimony in support of this measure from Maui Police Department, the Honolulu Police Department, Maui County Department of the Prosecuting Attorney, Department of the Prosecuting Attorney of the City and County of Honolulu, Domestic Violence Action Center, Child and Family Service, Hawai'i State Coalition Against Domestic Violence, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual.

Your Committee finds that domestic violence is a serious and pervasive public health issue with devastating long-term consequences for society. The seriousness of this violent crime emphasizes the need for mandatory minimum sentencing to hold repeat offenders accountable. Your Committee also finds over the years, amendments to the mandatory minimum sentencing law, section 709-606.5, Hawaii Revised Statutes, have been "piecemeal", and abuse of family or household member (AFHM) offenses were, unfortunately, not added to the list of offenses that qualify for repeat offender sentencing.

Your Committee further finds that under section 709-906(7), Hawaii Revised Statutes, it is a class C felony to commit the offense of AFHM more than twice over a two-year period, and a defendant in this situation would be eligible for a maximum five-year term of imprisonment. However, existing law does not provide for enhanced sentencing for defendants who continue to abuse beyond a third offense. These repeat offenders may serve terms that are substantially shorter than five years or, worse, receive probation.

Accordingly, your Committee has amended this measure by removing the reference to section 709-906(7), Hawaii Revised Statutes, from the list of offenses that are eligible for repeat offender sentencing because it is already described as a class C felony for those defendants who have been convicted three times for an AFHM offense.

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. 410, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 410, 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 (Acasio). Noes, none. Excused, none.

SCRep. 200 Education on S.B. No. 808

The purpose and intent of this measure is to:

- (1) Describe the powers and responsibilities of the School Facilities Agency by amending Act 72, Session Laws of Hawaii 2020;
- (2) Transfer the total fund balance in the state educational improvement fund to the school facilities special fund by a certain date.

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received comments on this measure from the Department of Education, State Procurement Office, and Department of Budget and Finance.

Your Committee finds that currently, Act 72, Session Laws of Hawaii 2020 (Act 72), does not clearly describe the powers and responsibilities of the School Facilities Agency and its Executive Director, School Facilities Board, and administrative staff. This measure will amend some of the provisions of Act 72, which will help provide guidance and improve the efficiency of the School Facilities Agency.

Your Committee has amended this measure by:

- (1) Amending Act 72 to specify that the School Facilities Agency may appoint or retain by contract one or more attorneys independent of the Attorney General to provide legal services solely in cases of negotiations in which the Attorney General lacks expertise; provided that the independent attorney shall consult and work in conjunction with the designated deputy attorney general assigned and make conforming amendments;
- (2) Amending Act 72 to specify that the School Facilities Agency may use the Department of Human Resources Development to recruit, hire, and retain exempt employees, architects, engineers, existing civil service positions for the development, planning, and construction related to capital improvement projects;
- (3) Specifying that there shall be transferred all rules, policies, deeds, contracts, and agreements from the Department of Education to the School Facilities Agency that are related to the school impact fees;
- (4) Specifying that a blank general fund appropriation be made to fund the special facilities special fund and an appropriation from the fund for the purposes of this Act; 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. 808, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 808, 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. 201 (Joint) Commerce and Consumer Protection and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1101

The purpose and intent of this measure is to:

- (1) Establish the Safe Home Program to provide matching and nonmatching grants for installation of wind resistive devices to single-family, owner-occupied, residential property owners upon certain circumstances; 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 Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Office of the Director of Emergency Management; Hawaii State Energy Office; City and County of Honolulu Office of Climate Change, Sustainability, and Resiliency; Hawaii Insurers Council; and two individuals. Your Committees received comments on this measure from the State Procurement office and Hawaii Green Infrastructure Authority.

Your Committees find that Hawaii residents are highly susceptible to property loss due to hurricanes, tropical storms, and strong winds. With climate change affecting average temperatures, the likelihood of weather-related natural disasters will only continue to increase. Your Committees note the testimony of the Department of Commerce and Consumer Affairs that, even if there are no funds immediately available to fund this program, this measure is still important to help establish and set the regulatory framework of the Safe Home Program so that, when funding or grant money does becomes available, the program will already be in place to more quickly facilitate the grants contemplated by this measure.

Your Committees have amended this measure by:

- (1) Clarifying the matching and nonmatching grants awarded to applicants under this measure from the Safe Home Program Trust Fund shall not be subject to chapter 42F, 91, 103D, or 103F, 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 Commerce and Consumer Protection 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. 1101, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1101, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees. Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 202 Housing on S.B. No. 142

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 any affordable housing projects developed by the Hawaii Public Housing Authority from fifty percent of the required school impact fee.

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

Your Committee finds that there are currently thousands of Hawaii residents on the public housing wait list but not enough supply of affordable housing projects to meet the demand. The only way to meet this demand is to increase the current inventory of affordable housing. The school impact fee, as required by section 302A-1603, Hawaii Revised Statutes, presents a significant financial barrier to the development of affordable housing projects in Hawaii. Many developers of affordable housing projects rely on funds from the State's Rental Housing Revolving Fund or other state appropriations to pay for the school impact fee in order to make affordable housing projects financially viable. This creates a situation where, if funding requests are approved by the State, one state entity pays money to another state entity while critically needed affordable housing projects are delayed waiting on those funding decisions. The waiver of the school impact fee, as proposed by this measure, will make the development of affordable housing projects more financially viable.

Your Committee has amended this measure by increasing the exemption of the required school impact fee from fifty percent to one hundred percent for certain affordable housing projects.

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. 142, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 142, 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. 203 Housing on S.B. No. 40

The purpose and intent of this measure is to allow owner-occupant projects to qualify, without income restrictions, as a housing project that may be exempt from certain statutes pursuant to the provisions of section 201H-38, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from Faith Action HousingNOW! and one individual. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation and Hawaii Public Housing Authority.

Your Committee finds that creating more housing supply is a necessary course of action to help the thousands of Hawaii families who need a permanent roof over their heads. By providing Hawaii residents with more opportunities to purchase a home, the State would be moving toward fulfilling the housing objectives and policies for socio-cultural advancement outlined in the Hawaii State Planning Act, as codified in section 226-19, Hawaii Revised Statutes. This measure will help greater numbers of Hawaii residents obtain home ownership by eliminating income restrictions.

Your Committee has amended this measure by:

- (1) Replacing the term "residents of the State" with "qualified resident," which is a defined term in chapter 201H, 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 Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 40, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 40, 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. 204 Housing on S.B. No. 12

The purpose and intent of this measure is to require the Hawaii Public Housing Authority and Hawaii Housing Finance and Development Corporation to increase homeownership and rental opportunities for Hawaii residents.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation and Hawaii Public Housing Authority.

Your Committee finds that the provision of rental housing and opportunities for home ownership for Hawaii residents is an important goal of the State as evidenced by their inclusion in the state objectives for socio-cultural advancement, found in section 226-19, Hawaii Revised Statutes. To strengthen the State's commitment to this objective, this measure specifies that the Hawaii Housing

Finance and Development Corporation and Hawaii Public Housing Authority have an obligation to provide more housing opportunities to the residents of the State.

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. 12 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. 205 Housing on S.B. No. 26

The purpose and intent of this measure is to establish the individual housing accounts savings program, with accompanying board and administrative fund. The savings program will allow Hawaii residents to save money for a down payment on a home or certain other home-related expenses.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, Hawaii Credit Union League, Office of Information Practices, and Department of Budget and Finance.

Your Committee finds that this measure is intended to create a way for employees who are Hawaii taxpayers to save money for home ownership or other housing-related expenses. Your Committee has heard testimony that when a similar program was offered there were only 83 participants in the program, which would make it difficult to achieve economies of scale.

Your Committee understands this concern and notes that S.B. No. 5, Regular Session of 2021, is substantially similar to this measure and creates employer-run housing savings accounts but creates an opt-out system where every employee is automatically enrolled rather than the opt-in provision in this measure as drafted. Your Committee finds that the language in S.B. No. 5 is preferrable as it will result in far greater participation in the program.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 5, a measure that:

- (1) Establishes a Housing Savings Account system;
- (2) Establishes a board for administrative purposes within the Department of Budget and Finance;
- (3) Sets the default contribution rate, but provides that employees may elect to contribute a different amount; and
- (4) Automatically enrolls all employees in the program, but also provides that any employee may opt-out at any time.

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. 26, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 26, 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. 206 Housing on S.B. No. 36

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; and
- (2) Establish a landlord incentive program special fund to reimburse land owners who participate in the Section 8 program for the costs of repairs for tenant-caused damage that exceed the cost of the tenant's security deposit.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Civil Rights Commission, Hawaii State Commission on the Status of Women, Hawaii Public Housing Authority, ACLU of Hawaii, League of Women Voters, Hawaii Appleseed Center for Law and Economic Justice, LGBT Caucus of the Democratic Party of Hawaii, and three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association of Realtors and one individual

Your Committee finds that low-income individuals experience extreme difficulty in finding affordable housing rentals in Hawaii. Many housing vacancy advertisements proclaim "no Section 8 accepted" or "Section 8 need not apply" in an effort to prevent low-income individuals with housing vouchers from consideration for tenancy. Your Committee further finds that many states, the District of Columbia, and many cities and counties already prohibit discrimination based on source of income. In those areas where this discrimination is already prohibited, renters with housing vouchers are twelve percent more likely to find housing than areas that allow for this type of discrimination. Your Committee finds that this measure will prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program.

Your Committee is cognizant that some of the testimony in opposition to this measure claim that the requirements of Section 8 are too burdensome, including requiring audits, entering into contracts with the government, and other conditions. However your Committee notes that the Hawaii Public Housing Authority offered oral testimony wherein they stated that the requirements for landlords to participate in Section 8 are very minimal. All that is required is an inspection to ensure that the rental unit is safe and sanitary, and secondly, the execution of one simple agreement by the landlord to accept Section 8 moneys. In light of the testimony provided by the Hawaii Public Housing Authority, your Committee finds that the regulations imposed on landlords for participation in Section 8 housing are quite minimal.

Your Committee has amended this measure by:

- (1) Adding the contents of S.B. No. 53, Regular Session 2021, to this measure to address the concerns of the Hawaii Public Housing Authority;
- (2) Amending the definition of "Housing assistance program" to clarify that the source of income prohibition pertains only to government programs;
- (3) Inserting language to clarify that it is also unlawful to expel or otherwise refuse to continue to rent to a current tenant based on their participation in a housing assistance program;
- (4) Including a definition of "source of income" to more clearly describe a discriminatory practice;
- (5) Amending the penalty for a violation from \$500 to \$5,000 on the recommendation of the Governor's Coordinator on Homelessness, Hawai'i State Commission on the Status of Women, and ACLU of Hawai'i;
- (6) Amending the appropriation amount from an unspecified amount to \$100,000 per the recommendation of the Hawaii Public Housing Authority;
- (7) Amending section 1 of this measure to include a paragraph explaining how Section 8 housing discrimination is also a proxy for discriminating against women to give additional context to effects of Section 8 discrimination; 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. 36, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 36, 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. 207 Housing on S.B. No. 43

The purpose and intent of this measure is to create the position of Housing Coordinator to be administratively attached to 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 Public Housing Authority, EAH Housing, and BIA Hawaii.

Your Committee finds that there is a statewide housing crisis that is negatively impacting the quality of life of Hawaii's residents. The overall lack of supply of housing and the exorbitant cost of the available housing supply is causing an exodus of residents out of the State to more affordable markets. There is a need to coordinate and focus the efforts of the various government agencies who have an obligation to increase the supply of available housing so that Hawaii residents can purchase a home. To accomplish this task, this measure will create the position of Housing Coordinator to be a centralized authority in government to coordinate all of the government's resources to respond to the housing crisis.

Your Committee received testimony from the Hawaii Public Housing Authority (HPHA) that to charge the Housing Coordinator with oversight of state public housing units would interfere with HPHA's annual contribution contract with the U.S. Department of Housing and Urban Development.

Your Committee has amended this measure by:

- (1) Deleting the Housing Coordinator's duty to facilitate redevelopment and rehabilitation of existing public housing units;
- (2) Changing the appropriation amount from an unspecified amount to \$200,000 to cover salary and fringe benefits for the position of Housing Coordinator; 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. 43, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 43, 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. 208 Housing on S.B. No. 143

The purpose and intent of this measure is to establish an affordable homeownership revolving fund within the Hawaii Housing Finance and Development Corporation, which would provide loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects.

Your Committee received testimony in support of this measure from Hawaii Habitat for Humanity Association; Faith Action HousingNOW!; Habitat for Humanity Hawaii Island, Inc.; EAH Housing; St. Michael the Archangel Parish; and two individuals. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that homeownership is positively correlated with economic and social stability. However, the number of full-time Hawaii residents who own homes has steadily declined over the last fifty years. Currently, Hawaii has the third lowest homeownership rate of any state in the nation. To help solve this problem, self-help housing, nonprofit developers, and community land trust organizations can leverage federal funds to build houses that are available for purchase by low- and moderate-income

households, but only if these organizations can provide additional non-federal matching funds. Your Committee further finds that the additional matching funds required can be provided by the establishment of an affordable homeownership revolving fund. The use of this fund, together with federal funds, can create homeownership opportunities for more of Hawaii's residents.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount from an unspecified amount to \$1 million; 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 Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 143, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 143, 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. 209 Housing on S.B. No. 202

The purpose and intent of this measure is to:

- (1) Eliminate the home mortgage interest deduction for second homes under Hawaii income tax law; and
- (2) Direct that any revenue derived from the elimination of the second home mortgage interest deduction be deposited into the rental housing revolving fund.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Hawaii Association of Realtors and one individual. Your Committee received comments on this measure from the Department of Taxation, Hawaii Housing Finance and Development Corporation, and the Tax Foundation of Hawaii.

Your Committee finds that the federal mortgage interest deduction, to which Hawaii conforms, was first introduced in 1913. Its purpose was to encourage the purchase of a home by offsetting the amount of mortgage interest paid from any tax liability that the homeowner may have incurred. However, Hawaii currently finds itself in a housing crisis where there are not enough homes to meet demand. Your Committee believes that removing the homeowners interest deduction for second homes would encourage those who own second homes to sell them, increasing the housing supply for Hawaii residents who could use the home as their primary residence.

Your Committee further finds that the testimony from the Department of Tax and the Tax Foundation of Hawaii wherein they opined that instead of depositing any tax revenue from this measure directly into the rental housing revolving fund that the legislature should seek an appropriation from the general fund for the rental housing revolving fund is in contradiction with the requirements of section 37-52.3, Hawaii Revised Statutes, which requires special funds to reflect a clear nexus between the program and the source of revenue.

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. 202 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; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 210 Housing on S.B. No. 607

The purpose and intent of this measure is to:

- (1) Remove the construction completion deadline for the Leialii Affordable Housing project and Keawe Street Apartments; and
- (2) Exempt the project from the historic preservation laws pursuant to chapter 6E, Hawaii Revised Statutes, under certain conditions.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Kihei Community Association, and the Office of the Mayor of Maui County.

Your Committee finds that there is a severe shortage of affordable rental housing in the county of Maui, particularly in the western part of the island. To remedy this problem, the Legislature appropriated funds to expedite and complete the Leialii Affordable Housing and the Keawe Street Apartments housing projects, with the mandate that the projects be completed by 2022. However, in 2020 the State Historic Preservation District from the Department of Land and Natural Resources notified the Hawaii Housing Finance and Development Corporation that it would require a new archaeological inventory survey for the entire Leialii and Keawe Street projects. Despite discussions between the Hawaii Housing Finance and Development Corporation, the State Historical Preservation Division, and the Office of the Governor, no agreement could be reached, and a new archaeological survey must be performed. In light of this new requirement, your Committee finds the 2022 completion deadline imposed by the Legislature cannot be met. This measure will extend the deadline imposed by the Legislature and allow the housing projects to go forward to provide much-needed homes for Maui residents.

Your Committee has amended this measure by deleting the requirement that the Hawaii Housing Finance and Development Corporation give preference to residents of Lahaina when the project is completed as that would likely be a violation of the general public use requirement of Section 42 of the Internal Revenue Code, which the corporation is required to uphold.

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. 607, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 607, 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 (Moriwaki). Noes, none. Excused, none.

SCRep. 211 Housing on S.B. No. 749

The purpose and intent of this measure is to authorize the Hawaii Public Housing Authority to build non-subsidized housing.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Housing Finance and Development Corporation and Land Use Research Foundation of Hawaii. Your Committee received comments on this measure from the Hawaii Public Housing Authority.

Your Committee finds that creating more affordable housing opportunities for Hawaii residents is of utmost importance. However, many affordable housing projects are revenue-negative, which limits the number of projects that the Hawaii Public Housing Authority can undertake. By allowing the Hawaii Public Housing Authority to build non-subsidized housing, this measure will allow for more mixed use and for-profit portions of affordable housing projects, which will make these projects more financially viable. With more profitable projects, the Hawaii Public Housing Authority can return more money to the State and therefore build more affordable housing projects.

Your Committee notes the conflicting testimony submitted by the Hawaii Housing Finance and Development Corporation and Hawaii Public Housing Authority. In order to provide input to the Committee that is credible and useful, state agencies are encouraged to better coordinate their testimony before this Committee going forward.

Your Committee has amended this measure by:

- (1) Deleting the definition of "Public housing project, housing project, or complex" from section 356D-1, Hawaii Revised Statutes, as this definition does not include "state low-income housing project" as defined in section 356D-51, Hawaii Revised Statutes;
- (2) Adding a new definition of "Housing" to section 356D-1, Hawaii Revised Statutes, as recommended by the Hawaii Public Housing Authority, to prevent any unintended consequences that may inhibit the Hawaii Public Housing Authority from carrying out the legislative intent of this measure;
- (3) Making conforming amendments to section 356D-11, Hawaii Revised Statutes, to further the purpose and intent of this measure; 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. 749, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 749, 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. 212 Housing on S.B. No. 866

The purpose and intent of this measure is to temporarily exempt affordable housing projects by the Hawaii Housing Finance and Development Corporation from certain specific state and county fees and exactions; provided that the affordable housing units are exclusively for qualified residents who are owner/renter occupants and who own no other real property.

Your Committee received testimony in support of this measure from Michaels Development and Hawaii Habitat for Humanity Association.

Your Committee finds that the State is experiencing economic turmoil brought on by the coronavirus 2019 (COVID-19) pandemic. Unfortunately, the declining economy has affected some of Hawaii's most vulnerable residents. A recent study by the University of Hawaii found that more than eleven thousand Hawaii tenants have fallen behind on their rent payments and more than forty percent of rental tenants have lost their jobs. To make matters worse, Hawaii continues to suffer from a lack of affordable housing. This measure will make the development of affordable housing projects more financially viable for developers and therefore bring more affordable housing units to market for Hawaii residents.

Your Committee has amended this measure by replacing the affordability income restriction with the requirement that the affordable housing units be exclusively for qualified residents who are owner or renter occupants and who own no other real property.

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. 866, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 866, 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. 213 Housing on S.B. No. 869

The purpose and intent of this measure is to require the Department of Land and Natural Resources, through the State Historic Preservation Division, to contract its review of proposed state projects, projects on privately owned historic property, and projects affecting historic properties to third-party consultants if the projects involve the development of affordable housing and the department will not be able to complete its review within sixty days.

Your Committee received testimony in support of this measure from Michaels Development. Your Committee received testimony in opposition to this measure from the State Procurement Office and Historic Hawaii Foundation. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that there is a housing crisis in Hawaii that has been exacerbated by the coronavirus 2019 (COVID-19) pandemic. A recent study by the University of Hawaii found that more than eleven thousand Hawaii tenants have fallen behind on their rent and more than forty percent of rental tenants have lost their jobs. Hawaii needs more affordable housing but some affordable housing projects are facing delays waiting on approvals from the State Historic Preservation Division. Your Committee finds that this measure will expedite the construction of affordable housing by removing some of the bureaucratic delays in the approval process.

Your Committee has amended this measure by:

- (1) Removing the exemption from the Hawaii procurement code found in section 103D, Hawaii Revised Statutes, for the retention of a third-party consultant;
- (2) Requiring that any third party consultant retained by the department has the education, experience, and qualifications for preservation professionals as determined by state historic presentation division rules; 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. 869, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 869, 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. 214 Housing on S.B. No. 870

The purpose and intent of this measure is to require the utility companies to install infrastructure or equipment whenever an affordable housing development within a transit-oriented development area requires the infrastructure or equipment to be installed underground.

Your Committee received testimony in support of this measure from Hawaii Habitat for Humanity. Your Committee received testimony in opposition to this measure from Hawaiian Electric Company. Your Committee received comments on this measure from the Public Utilities Commission.

Your Committee finds that the costs associated with utility infrastructure and equipment for affordable housing projects can render a development financially unfeasible. This is especially true when utility infrastructure and equipment are required to be placed underground where the costs are significantly higher. Because of the crisis that Hawaii is facing due to the lack of affordable housing, your Committee finds that the utility companies should bear responsibility for underground installation of infrastructure and equipment so that more affordable housing units can be constructed for Hawaii's residents.

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. 870 and recommends that it pass Second Reading and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 215 Housing on S.B. No. 867

The purpose and intent of this measure is to extend the low-income housing tax credit program until December 31, 2027.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation; Hunt Companies, Inc.; Michaels Development; and NAIOP Hawaii. Your Committee received comments on this measure from the Department of Taxation and Sugar Creek Capital.

Your Committee finds that the State faces an unprecedented economic crisis due to the coronavirus disease 2019 (COVID-19) pandemic. Hawaii renters in particular have been dramatically affected by the current economic crisis with a recent study from the University of Hawaii showing that more than eleven thousand Hawaii renters have fallen behind on their rent and forty percent of rental tenants having lost their jobs. Your Committee agrees with the sentiment that doing nothing is not an option. Accordingly, this measure will extend the low-income housing tax credit to provide vital assistance to those who need 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. 867 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. 216 Housing on S.B. No. 868

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, phrasing out the credit as the taxpayer's income rises; and

(2) Establishes a maximum tax credit of \$150 per exemption.

Your Committee received testimony in support of this measure from IMUA Alliance and Hawaii 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 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 percent 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 making 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. 868, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 868, 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. 217 Housing on S.B. No. 659

The purpose and intent of this measure is to:

- (1) Allow state low-income housing tax credits to be allocated among the members or partners of a taxpaying entity in any manner that the parties see fit; and
- (2) Specify that certain provisions of the Internal Revenue Code related to at-risk rules, deductions, and passive activity losses do not apply with respect to claims for the state low-income housing tax credit.

Your Committee received testimony in support of this measure from Hunt Companies, Inc. and Sugar Creek Capital. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that the partners or members of a taxpaying entity are in the best position to decide how to allocate any low-income housing tax credits that have been earned in a taxable year.

Your Committee further finds that because the low-income housing tax credit law incorporates the Internal Revenue Code provisions that relate to at-risk rules and passive activity loss rules, it attracts only a small pool of investors. By amending the law to specify that the tax credit shall not be subject to those Internal Revenue provisions, the universe of potential investors is expected to increase, thereby creating a positive cycle of reinvestment into the local economy.

Your Committee has amended this measure by:

- (1) Changing "depreciation basis of the qualified low-income business" to "deductions and expenses" and clarifying that deductions and expenses claimed on a state income tax return cannot exceed the deductions and expenses claimed on a federal return:
- Adding language that the relaxation of the installment method, at-risk, and passive activity loss rules shall not apply to any building that is no longer a qualified low-income building;
- (3) Replacing language to make it administratively easier for the Department of Taxation to apply the statutory changes on a taxable year basis;
- (4) Clarifying the language regarding the manner in which the parties may decide to allocate low-income housing tax credits within a taxpaying entity; 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. 659, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 659, 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. 218 (Joint/Majority) Housing and Water and Land on S.B. No. 7

The purpose and intent of this measure is to give the Hawaii Housing Finance and Development Corporation the right of first refusal on any transfer of a property interest on state lands within a one-half mile radius of a rail transit station, excluding any lands owned or controlled by the Hawaii Public Housing Authority or Department of Hawaiian Home Lands.

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 Hawaii Housing Finance and Development Corporation.

Your Committees find that Hawaii has a housing crisis and the development of affordable housing is of paramount importance. Providing the Hawaii Housing Finance and Development Corporation with the opportunity to obtain control and develop affordable housing on state lands within a one-half mile radius of a rail transit station will advance the efforts to end the housing crisis.

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. 7 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. Housing: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Rhoads).

Water and Land: Ayes, 4. Noes, 1 (Fevella). Excused, none.

SCRep. 219 (Joint) Water and Land and Hawaiian Affairs on S.B. No. 510

The purpose and intent of this measure is to:

- (1) Allow the State Historic Preservation Division of the Department of Land and Natural Resources (Department), in consultation with the Office of Hawaiian Affairs, to delegate the responsibility for historic preservation project reviews to the impacted counties; and
- (2) Allow the Department to establish a program to certify third-party individuals and organizations to review documents for completeness and compliance prior to submission of those documents to the Department.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Maui Chamber of Commerce, and one individual. Your Committees received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committees received comments on this measure from the Historic Hawai'i Foundation.

Your Committees find that the current demand for construction of housing and critical infrastructure has caused an unacceptably large backlog of projects waiting for State Historic Preservation Division review. According to testimony received by your Committees, Hawaii is unique in reserving the responsibility of historic preservation reviews to the State. In every other state, many of these reviews would be subject to scrutiny at the county or municipal level. Your Committees further find that the qualified third-party reviewers established by this measure will significantly reduce the submission of incomplete and noncompliant permit documentation, thereby decreasing the backlog and delays to permit reviews.

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 Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 510, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 510, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 5. Noes, none. Excused, none. Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 220 (Majority) Water and Land on S.B. No. 567

The purpose and intent of this measure is to prohibit the counties from requiring, as part of a zoning ordinance or county rule, a developer with more than one residential unit to obtain the approval of any state agency unless that approval is expressly required by

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 finds that it is in the public interest to address the economic downturn caused by the coronavirus disease 2019 pandemic. According to testimony received by your Committee, this measure will reduce the cost of housing and in turn accelerate the development of much needed housing in the State. Your Committee further finds that this measure will streamline the permitting and regulatory process between the counties and various state agencies and thereby provide additional economic and housing opportunities for the State's residents.

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. 567, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 567, 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 (Misalucha, Riviere). Noes, 1 (Fevella). Excused, none.

SCRep. 221 (Joint) Health and Human Services on S.B. No. 1036

The purpose and intent of this measure is to abolish the Community Council on Purchase of Health and Human Services (Community Council).

Your Committees received testimony in support of this measure from the Department of Health and State Procurement Office. Your Committees received testimony in opposition to this measure from Child and Family Service and Domestic Violence Action Center.

Your Committees find that the Community Council, established by section 103F-202, Hawaii Revised Statutes, has not met since 2010. Your Committees further find that the Community Council was valuable and necessary when it was established, but since that time, the focus of health and human services procurements has changed. Therefore, it is appropriate to now repeal the establishment of the Community Council.

Your Committees further finds that S.B. No. 1019, Regular Session of 2021, also relates to state procurement; however, the measure's title is defective, and it would be appropriate to include the contents of S.B. No. 1019 into this measure. Your Committees note the testimony of the State Procurement Office, which proposed multiple amendments to improve the State's procurement code. Your Committees also note the testimony of the Department of Health on S.B. No. 1019, which suggested amendments to improve that

Therefore, your Committees have amended this measure by:

- (1) Inserting the contents of S.B. No. 1019 into this measure;
- (2) Amending the contents of S.B. No. 1019 to clarify that the individual programs, and not the State Payor Committee, will evaluate, score, and make recommendations for the award of contracts for services;
- (3) Including the Director of the Department of Human Services as a member of the State Payor Committee;
- (4) Amending various provisions of the State's procurement code; 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 Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1036, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1036, S.D. 1, and be referred to your Committees on Judiciary and Ways and

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

Human Services: Ayes, 5; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 222 Health on S.B. No. 628

The purpose and intent of this measure is to:

- (1) Commence the transfer of the Oahu Regional Health Care System in its entirety from the Hawaii Health Systems Corporation to the Department of Health, beginning with the transfer of the Oahu Regional Health Care System's budget and position count into the Department of Health; and
- Enable the Oahu Regional Health Care System, Department of Health, Hawaii Health Systems Corporation, and other state agencies to manage and implement the processes required to effectuate the completion of the transition.

Your Committee received testimony in support of this measure from the Oahu Region Hawaii Health Systems Corporation, University of Hawai'i System, Department of Health, and The Queen's Health Systems. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Government Employees Association.

Your Committee finds that, unlike the Hawaii Health System Corporation's neighbor island facilities, which are generally the primary care providers for their respective communities, the Oahu Region's facilities almost exclusively provide safety-net, long-term care and adult-day health services to patients who are unable to find much-needed care in private facilities. The Oahu Region also provides care for incarcerated inmates released for compassionate care and psychiatric patients from the Hawaii State Hospital who have significant long-term care needs. Your Committee finds that the Oahu Region operates more as a necessary social service than a health care business.

Your Committee further finds that to ensure the continued availability of long-term care beds for Oahu's aging population and facilitate more efficient use of the Oahu Region's facilities to address the need for additional social services such as mental health and substance use treatment, it would be beneficial to transition the Oahu Region into the Department of Health. This measure commences that transfer and enables the Oahu Regional Health Care System, Department of Health, and other state agencies, to manage and implement the completion of the transition.

Your Committee recognizes the testimony of the Department of the Attorney General, which offered proposed amendments that clarify the intent of the measure. Your Committee also recognizes the testimony of the Department of Health, which offered proposed amendments that clarify that the Oahu Regional Health Care System's budget, but not position count, will be transferred into the Department of Health. Finally, your Committee recognizes the Department of Health's proposed additions to the measure, which provide certain protections and exemptions to the Oahu Regional Health Care System and Inpatient Services Division of the Department of Health during and after transition, and prohibits the substantial reduction or elimination of direct patient care at any Oahu Regional Health Care System facility unless certain conditions are met.

Accordingly, your Committee has amended this measure by:

- (1) Amending the measure to clarify that the Oahu Regional Health Care System's position count will not be transferred into the Department of Health;
- (2) Making amendments to clarify the measure's intent;
- (3) Inserting a new part to the measure:
 - (A) Providing certain protections and exemptions to the Oahu Regional Health Care System and Inpatient Services Division of the Department of Health during and after transition; and
 - (B) Prohibiting the substantial reduction or elimination of direct patient care at any Oahu Regional Health Care System facility unless certain conditions are met;

- (4) Inserting an effective date of July 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 628, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 628, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 223 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1109

The purpose and intent of this measure is to establish the framework of the Hawaii State Disaster Recovery Program as overseen by the State Disaster Recovery Coordinator.

Your Committee received testimony in support of this measure from the Office of Planning, Hawaii Emergency Management Agency, and Hawaii State Energy Office. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that disaster recovery is a complex and long-term process that involves a range of activities and many participants. Recovery operations begin shortly after a disaster occurs and can continue for many years. It involves short—term restoration of essential community functions as well as long-term recovery planning and coordination. State, public, and private organizations share in providing for the public's health and safety therefore, it is essential that the response, recovery, and mitigation activities of all parties be fully aligned. This measure will enhance the capacity of the government, relevant agencies, and the community to coordinate their efforts to efficiently recover from the impacts of disasters.

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. 1109, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1109, 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. 224 Transportation on S.B. No. 1401

The purpose and intent of this measure is to:

- (1) Direct the Department of Transportation to fashion a complete streets policy; and
- (2) Require the Department of Transportation to submit an annual report to the Legislature detailing their compliance with the complete streets policy.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Climate Change Mitigation and Adaption Commission, Ewa Neighborhood Board #23, Blue Zones Project, Hawaii Youth Climate Coalition, Ulupono Initiative, Young Progressives Demanding Action, American Heart Association, AARP Hawaii, Hawaii Bicycling League, Hawaii'i Public Health Institute, and two individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that in 2009, the Legislature enacted a Complete Streets law that required the Department of Transportation and the county transportation departments to adopt policies that seek to reasonably accommodate convenient access and mobility to all users of the public highways, including pedestrians, bicyclists, transit users, motorists, and persons of all ages and abilities. Collectively, these policies are known as the Complete Streets Policy. Your Committee finds that this measure is necessary to clarify the Complete Streets Policy to assure its proper implementation and effectiveness.

Your Committee has amended this measure by:

- (1) Designating the amount of eligible federal funds required to be spent out of the state highway fund for the establishment of bikeways at five percent, rather than eight percent; 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. 1401, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1401, 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. 225 Transportation on S.B. No. 1402

The purpose and intent of this measure is to modernize Hawaii's ground transportation infrastructure by providing metrics, considerations, and assistance to the Department of Transportation in:

- (1) Creating motor vehicle, bicycle, and pedestrian facilities; and
- (2) Establishing a ground transportation modernization commission.

Your Committee received testimony in support of this measure from the Hawaii Climate Change Mitigation and Adaptation Commission, Department of Transportation, Department of Health, Ewa Neighborhood Board #23, Hawaii Youth Climate Coalition, Ulupono Initiative, Hawaii Automobile Dealers' Association, Hawaii Bicycling League, Young Progressives Demanding Action, AARP Hawai', American Heart Association, Hawai'i Public Health Institute, and one individual. Your Committee received comments on this measure from the Hawaii State Energy Office.

Your Committee finds that Hawaii's ground transportation system has historically been built as a car-centric system with little attention given to alternative forms of transportation. This has raised the cost of living, impacted quality of life, and resulted in some of the highest transportation-related fatality rates in the nation, especially in some of the poorer communities in the State. Simply adding lanes to reduce traffic does not address Hawaii's most pressing concerns regarding traffic, safety, and health. Accordingly, this measure will modernize Hawaii's ground transportation infrastructure by providing additional metrics, considerations, and assistance to the Department of Transportation in order to reduce transportation costs, minimize traffic injuries and fatalities, improve public health and quality of life, and address greenhouse gas emissions.

Your Committee has amended this measure by:

- (1) Deleting language that would have established a ground transportation modernization commission;
- (2) Requiring the Department of Transportation to report annually to the Legislature; 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 S.B. No. 1402, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1402, 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. 226 Water and Land on S.B. No. 999

The purpose and intent of this measure is to authorize the issuance of general obligation bonds for the forest stewardship program of the Department of Land and Natural Resources to increase plant stocks, invest in public outreach, and renovate the equipment and facilities of the state tree nurseries.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, University of Hawai'i College of Tropical Agriculture and Human Resources, Environmental Caucus of the Democratic Party of Hawai'i, and Climate Protectors Coalition.

Your Committee finds that the strategic planting of trees in agricultural landscapes may increase crop yield, improve soil health, provide habitat for wildlife, and provide a variety of other benefits. According to testimony received by your Committee, general obligation bonds are not eligible to finance an increase in plant stocks that provide beneficial functions in agricultural production and soil health nor invest in public outreach and education regarding the benefits and appropriate uses of trees and plants in agricultural settings. Your Committee further finds that there is a need to repair, update, and expand the infrastructure of the State's tree nurseries so that the Division of Forestry and Wildlife of the Department of Land and Natural Resources can provide high quality native, endangered, and windbreak trees and plants for the public and its reforestation projects.

Accordingly, your Committee has amended this measure by:

- (1) Removing all references directing the use of general obligation bonds to expand planting stock and provide for public outreach and education; 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. 999, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 999, 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. 227 (Joint) Water and Land and Energy, Economic Development, and Tourism on S.B. No. 1423

The purpose and intent of this measure is to provide the necessary powers, appropriations, and guidance to ensure optimal development of the Stadium Development District as intended by Act 268, Session Laws of Hawaii 2019 (Act 268), which established the Stadium Development District. Specifically, this measure:

- (1) Establishes the stadium development district special fund;
- (2) Revises the general development guidance policies for the Stadium Development District and clarifies the respective roles of the Stadium Authority and Hawaii Community Development Authority (HCDA) in the development of the Stadium Development District;
- (3) Broadens the powers and duties of the Stadium Authority, including authorizing the Stadium Authority to acquire and hold title to real property;
- (4) Exempts the lands to which the Stadium Authority holds title from the definition of "public lands";

- (5) Authorizes HCDA, with approval from the Governor, to delegate implementation of capital improvement projects to other state agencies, under certain conditions;
- (6) Broadens the representation of the Stadium Authority by adding two members to its membership; and
- (7) Makes the financial disclosures of members of the Stadium Authority public records pursuant to section 84-17(d), Hawaii Revised Statutes

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, Aloha Stadium Authority, University of Hawai'i System, American Council of Engineering Companies of Hawaii, Hawai'i Lodging & Tourism Association, Building Industry Association of Hawaii, and one individual. Your Committees received comments on this measure from the Department of Budget and Finance, Hawaii Community Development Authority, and League of Women Voters of Hawaii.

Your Committees find that the intent of Act 268 is to ensure the optimal development of the Stadium Development District for the enjoyment of Hawaii's residents and visitors. According to testimony received by your Committees, the establishment of the Stadium Development District special fund is a critical first step in the process to develop the area, make maximum use of the land, and accrue a plethora of benefits for the community. Your Committees further find that this measure will provide flexibility to the Stadium Authority to enable it to undertake redevelopment of the stadium area more efficiently.

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. 1423, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1423, 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.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

SCRep. 228 (Majority) Hawaiian Affairs on S.B. No. 85

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 that authorizes the Department of Hawaiian Home Lands to engage in lottery or bingo enterprises pursuant to applicable state law.

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 Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 85, as amended herein, and recommends that it be recommitted to your Committee on Hawaiian Affairs, in the form attached hereto as S.B. No. 85, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

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

SCRep. 229 (Majority) Hawaiian Affairs on S.B. No. 86

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 authorize the Department of Hawaiian Home Lands to engage in the operation of medical cannabis dispensaries.

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 Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 86, as amended herein, and recommends that it be recommitted to your Committee on Hawaiian Affairs, in the form attached hereto as S.B. No. 86, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

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

SCRep. 230 (Majority) Agriculture and Environment on S.B. No. 180

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 State.

Your Committee received testimony in support of this measure from Reynolds Aluminum Recycling Company. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association. Your Committee received comments on this measure from the Department of Health.

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 testifiers' concerns that when making changes to the handling fee, it is necessary to fix the existing issues with the HI-5 program, including findings that "the program paid out [\$28,000,000] more in handling fees than it collected in container fees." Further, there are concerns about the economic impacts of this measure on local retailers in urban areas who may have to accommodate the new distance requirements, especially when retailers do not have control over the space in which they operate their stores.

Your Committee has amended this measure by:

- (1) Making it effective on July 1, 2024, to allow for the Department of Health to convene an advisory committee per section 342G-122, Hawaii Revised Statutes, to revise Hawaii Administrative Rules to update dealer exemptions to operate redemption centers; 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. 180, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 180, 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 (Rhoads). Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 231 Agriculture and Environment on S.B. No. 719

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 collection program;
- (2) Convene a steering committee to guide and monitor the restricted use pesticide disposal collection program; and
- (3) Increase the monetary penalties for violating the Hawaii pesticides law.

Your Committee received testimony in support of this measure from the Department of Agriculture; Department of Health; Imua Alliance; Hawai'i Alliance for Progressive Action; Larry Jefts Farms, LLC; Pesticide Action Network; Hawai'i SEED; Hawaii Crop Improvement Association; Hawai'i Farm Bureau; Down to Earth Organic & Natural, and twenty-three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Pest Control Association.

Your Committee finds that many residents of the State are very concerned about the long-term health effects and potential impacts of pesticide drift, especially as the number of large-scale, outdoor, commercial agricultural operations in the State continues to increase. A pesticide disposal program for household pesticide products exists in most counties, but those programs are limited to certain commercial and similar types of pesticide products. The disposal program proposed by this measure would benefit the health and well-being of residents and the environment by removing unused and unwanted pesticide products from the State. The introduction of this measure is timely, as legal disposal options for pesticides are limited in Hawaii.

Your Committee further 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 also finds that the maximum possible fines as currently set in statute have not deterred certain violators of pesticide use abuses and only apply to the business and individuals who repeatedly violate pesticide laws without any attempt to better their practices. Therefore, your Committee finds it appropriate to increase the schedule of fines to deter violations of the State's pesticide laws.

Your Committee has heard concerns about how location sites will be selected for collection and disposal. Historically, disposal sites have been placed near economically disadvantaged communities and native Hawaiian communities.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 719, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 719, 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. 232 Agriculture and Environment on S.B. No. 855

The purpose and intent of this measure is to:

(1) Extend the Pesticide Subsidy Program to June 30, 2024;

- (2) Extend the Pesticide Subsidy Program Manager position and the position's civil service collective bargaining laws exemption to June 30, 2026; and
- (3) Provide that no single coffee grower shall receive more than \$6,000 for each pest per year in subsidies between June 30, 2021, and July 1, 2023.

Your Committee received testimony in support of this measure from the Department of Agriculture; University of Hawai'i System, College of Tropical Agriculture and Human Resources; Kona Perfect; Hawaii Coffee Association; Maui Coffee Association; Synergistic Hawaii Agriculture Council; Kona Coffee Farmers Association; Rancho Aloha; Konaloha Farms; Intelinair; Halai Hill Coffee and Cacao; Rusty's Hawaiian; Kehau's Coffee Farm; United Ka'u Farmers Cooperative; Ka'u Ocean Vista Coffee Estate LLC; and six individuals.

Your Committee finds that coffee is a high value agricultural crop to local economy. A recent economic analysis by the College of Tropical Agriculture and Human Resources estimated that the coffee berry borer caused \$7,680,000 in crop losses and \$571,000 in lost state tax revenues in the 2013 fiscal year. The economic losses from coffee leaf rust and the coffee berry borer would have an outsized impact in rural areas that serve historically underserved populations.

Your Committee finds that Act 105, Session Laws of Hawaii 2014, established a temporary Pesticide Subsidy Program in the Department of Agriculture to assist coffee growers with offsetting the costs of purchasing pesticides containing *Beauveria bassiana* as an active ingredient to combat the coffee berry borer, a highly destructive pest that has infested coffee crops on Hawaii and has recently been detected on Oahu, Maui, and Kauai. Additionally, Act 152, Session Laws of Hawaii 2015, established a full-time temporary manager position for the Pesticide Subsidy Program, exempt from chapters 76 and 89, Hawaii Revised Statutes. 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.

Your Committee further finds that 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, 2021). The pesticide subsidy program will be repealed on June 30, 2021, and the Program Manager position will be repealed on June 30, 2022. Your Committee finds that extending the Program to June 30, 2025, and the Program Manager position to June 30, 2026, should be viewed as a modest investment in one of the State's largest and most important agricultural industries in mitigating the damage it causes to coffee beans. The manager position is also 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 considered concerns about whether landowners of coffee fields are able to provide input or consent in whether or not their property will be sprayed with fungicides like Priaxor, which is currently not approved for use on coffee by the United States Environmental Protection Agency, especially those landowners who live on their property and seek to protect themselves from exposure. Additionally, systemic fungicides have been posed as a short-term solution, but questions remain as to whether the quality of Kona coffee would become compromised. Evidence of adverse effects to bees has been linked to the use of systemic pesticides, and further research is needed in understanding Priaxor's impact on bees. Your Committee also considered whether organic certifications will likely be in jeopardy if there are no subsidies for organic controls, which provide a non-toxic alternative to watersheds and aquatic life. Equal subsidies for local, organic alternatives promotes the circular economy by creating local jobs, promoting environmental sustainability, and keeping monies in State.

Therefore, your Committee finds that continuing efforts to combat the coffee berry borer and coffee leaf rust subsidies under a single program is necessary to control against these invasive species.

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. 855 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; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 233 Agriculture and Environment on S.B. No. 1054

The purpose and intent of this measure is to enable funds from the brownfields cleanup revolving loan fund to be used for subgrants 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 City and County of Honolulu Department of Planning and Permitting.

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 the statutory authority for the existing loan fund 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. This measure makes more productive use of the revolving loan funds to advance eligible public and non-profit projects of community benefit, such as accommodations for park and open space and affordable housing.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1054, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1054, 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. 234 Agriculture and Environment on S.B. No. 1250

The purpose and intent of this measure is to establish the Hawaii emergency food assistance program and special fund to be administered by the Department of Agriculture.

Your Committee received testimony in support of this measure from the Hawai'i Primary Care Association, Hawaii Food Industry Association, Hawaii Community Foundation, Hawaii Appleseed Center for Law and Economic Justice, AlohaCare, Ulupono Initiative LLC, Hawai'i Food+ Policy Internship 2021, Hawai'i Farm Bureau, Hawaii Food Bank, and five individuals. Your Committee received comments on this measure from the Department of Agriculture and Department of Budget and Finance.

Your Committee finds that during times of economic crisis or other emergencies, like the economic and health crises arising from the coronavirus disease 2019 (COVID-19) pandemic and subsequent government mandated shutdowns, the number of Hawaii residents who experience food in security increase dramatically. Local charitable food organizations are critical parts of the food safety net during times of crises and the fallout from natural disasters and similar crisis place insurmountable pressure on these organizations, who must respond to increased demands on limited budgets. Charitable food operations not only ensure that families in need have access to enough food to sustain their households, but also operate as an economic stimulus by purchasing food directly from local Hawaii food businesses. Thus, your Committee finds that there is a need to connect community feeding and local food production to emergency funding solutions.

Your Committee has amended this measure by:

- (1) Deleting the reference to county mayors from the preamble, since a state agency cannot be activated for emergency response until a state of emergency is declared by the Governor; 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. 1250, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1250, 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. 235 Agriculture and Environment on S.B. No. 1235

The purpose and intent of this measure is to establish two new positions on the Board of Agriculture, specifying that one of the positions shall be reserved for a resident of the island of Molokai and one of the positions shall be reserved for a resident of the island of Lanai.

Your Committee received testimony in support of this measure from two members of the County Council of Maui; Hawai'i SEED; Hawai'i Farm Bureau, Molokai Chapter; and three individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that there is often unequitable representation of neighbor island issues through boards and commissions. Access to many government services and functions are difficult for Molokai and Lanai residence because most government operations are based on Maui and Oahu. Molokai's agricultural environment, needs, and realities are different than the other islands that currently hold designated seats on the Board of Agriculture. Molokai's reliance on its subsistence economy and lifestyle, agricultural infrastructure, resources, economies of scale, challenges to imports and exports, access to supplies and inputs, opportunities for growth, and delivery pipelines to markets are complex agricultural issues unique to the island and are currently not represented on the Board of Agriculture.

Your Committee also finds that Lanai faces unique agricultural issues. Fifty percent of the island's lands are designated as agricultural land by the Land Use Commission. While Lanai's food resources once supported at least six thousand people, the closure of the pineapple plantation has led to a large reliance on imported foods due to the lack of limited water resources, declining forest ecosystems, and limited economic diversity. Lanai continues to rely on subsistence hunting and is seeking to promote the identification of untapped agricultural niche markets and value-added products to support the growth of small-scale agriculture.

Your Committee has noted the concerns of the Department of Agriculture that keeping the four at-large positions on the Board of Agriculture provides the most diverse representation of agricultural knowledge and experience. Historically, the Board member representing Maui County has represented the interests of the entire county, including Molokai and Lanai. Additionally, there is an exclusive opportunity for residents of Molokai to have a decision-making vote as a member for the Molokai Irrigation System Water Users Advisory Board for the Molokai irrigation system water service. Additionally, there have been challenges for the Department of Agriculture to fill vacant advisory board positions with Molokai residents.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1235, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1235, 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. 236 (Joint) Agriculture and Environment and Transportation on S.B. No. 32

The purpose and intent of this measure is to require public water or sewer utilities regulated by the Public Utilities Commission to consider the disruption to transportation as a criterion in planning future maintenance.

Your Committees received comments on this measure from Department of Commerce and Consumer Affairs' Division of Consumer Advocacy, Public Utilities Commission, and Honolulu Board of Water Supply.

Your Committees find that it is important to prioritize the maintenance of utility infrastructure, but such maintenance can cause significant traffic congestion. The Public Utilities Commission oversees approximately thirty-nine small private and wastewater utilities, but does not have statutory oversight over municipal utilities. Traffic disruption is a criterion of consequence of pipeline failure in addition to the likelihood of failure based on historical main breaks and pipeline condition assessments.

Your Committees have heard the concerns of the Department of Commerce and Consumer Affairs' Division of Consumer Advocacy that installation, maintenance, and retirement of underground infrastructure, whether regulated by the Public Utilities Commission or a municipal entity, expands beyond public water and sewer utilities and that before conducting any roadwork, utilities must make appropriate arrangements with the relevant county or state agencies that oversee the affected roads. Thus, the Division suggests that rather than limiting the bill to only water and sewer utilities regulated under the Public Utilities Commission, the bill should target agencies that have roadwork permit oversight to improve coordination and minimize disruptions in traffic and transportation. Your Committees recommend that this testimony be considered by the Committee on Commerce and Consumer Protection as this measure moves forward.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 32 and recommend that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Inouye).

SCRep. 237 (Joint/Majority) Agriculture and Environment and Transportation on S.B. No. 1055

The purpose and intent of this measure is to exempt development projects involving discretionary approvals from the need to prepare an environmental assessment or an environmental impact statement if the only trigger is a relatively minor infrastructure improvement, such as a water line or sewer line connection or driveway improvements to a highway or public right-of-way.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Transportation; Office of Planning; City and County of Honolulu Department of Planning and Permitting; and one individual. Your Committees received testimony in opposition to this measure from Life of the Land, Makahanaloa Fishing Association, Wailoa River and Reeds Bay Boating and Users Association, Earthjustice Mid-Pacific Office, and seventeen individuals. Your Committees received comments on this measure from the Office of Environmental Quality.

Your Committees find that this measure seeks to streamline the environmental review process by deleting the reference to discretionary consents and allowing for infrastructure exemptions for all development projects. Additionally, your Committees find that discretionary permits are already required to undergo public hearings, so this measure will save the time and costs associated with preparation of an environmental assessment or environmental impact statement. Thus, the streamlined process would reduce the time to process applications major projects.

However, your Committees have heard testifiers' concerns that this measure would also terminate a longstanding and accepted practice of comprehensively analyzing major development projects in their entirety when the triggering component of the project are uses of an adjoining public right-of-way, such as necessary improvements to an intersection at a public highway or modification of sewage or drainage infrastructure. Additionally, this measure may improperly segment actions when there is a "primary action" component on private lands that triggers the use of chapter 343, Hawaii Revised Statutes, along with a "secondary action" component involving infrastructure in a public right-of-way that triggers review, but would be exempt from chapter 343, Hawaii Revised Statutes. Judicial and administrative rules that govern the environmental review process currently prohibit the segmenting of projects into multiple components that are not considered comprehensively.

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 Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1055, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1055, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3; Ayes with Reservations (Rhoads). Noes, 2 (Acasio, Fevella). Excused, none.

Transportation: Ayes, 2. Noes, 1 (Fevella). Excused, 2 (English, Inouye).

SCRep. 238 (Joint) Human Services and Health on S.B. No. 820

The purpose and intent of this measure is to preserve access to health care for Medicaid recipients by extending the Nursing Facility Sustainability Program.

Your Committees received testimony in support of this measure from the Department of Human Services, Ohana Pacific Health, Hawai'i Primary Care Association, Healthcare Association of Hawaii, and The Queen's Health Systems.

Your Committees find that the Nursing Hospital Sustainability Program and the Nursing Facility Sustainability Program Special Fund receive moneys from the nursing facility sustainability fee, which is used to draw down federal Medicaid matching funds. Your Committees further find that these moneys are used to increase reimbursements to the nursing facilities through capitation payments with a greater benefit to those providing proportionately more services to Medicaid recipients. The Nursing Facility Sustainability Program has successfully supported providers and seniors for nearly ten years, and it is important to note that this program is different and separate from other proposals that would levy a fee on insurance providers. Finally, your Committees find that no state general funds are used for this program, which is an important consideration given our current economic downturn.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 820 and recommend that it pass Second Reading and be referred to your Committees on Ways and Means and Commerce and Consumer Protection.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 5. Noes, none. Excused, none.

Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 239 (Joint) Human Services and Health on S.B. No. 819

The purpose and intent of this measure is to improve health care in the State by preserving access to health care for Medicaid recipients, which will be accomplished by extending the Hospital Sustainability Program.

Your Committees received testimony in support of this measure from the Department of Human Services, Hawaii Primary Care Association, Healthcare Association of Hawaii, Hawai'i Pacific Health, The Queen's Health Systems, and Kaiser Permanente Hawai'i.

Your Committees find that the hospital sustainability program is key in protecting hospital access for Medicaid beneficiaries, which is especially important as the State continues to work its way out of the coronavirus disease 2019 (COVID-19) pandemic and the attendant recession. Your Committees further find that the program functions by levying a fee on participating providers. The funds generated through that fee are used to draw down additional matching federal dollars, which are then distributed back to the providers to help them cover the gap between the amounts Medicaid reimburses and the amounts Medicare reimburses for medical services. Your Committees also find that these funds will increase the sustainability of hospitals to continue as a critical part of the safety net and help address budget constraints in the Medicaid program. Most importantly, the program as designed would provide critical additional State funds that will help cover the program's budget shortfall without using any general fund revenues.

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 Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 819, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 819, 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, 5. Noes, none. Excused, none.

Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 240 (Joint) Transportation and Agriculture and Environment on S.B. No. 304

The purpose and intent of this measure is to establish a voluntary program that allows air travelers going to or from Hawaii to purchase carbon offset credits.

Your Committees received testimony in support of this measure from Blue Planet Foundation. Your Committees received comments on this measure from the Department of Transportation.

Your Committees find that climate change is one of the most pressing issues of our time. And while there are many contributors to greenhouse gas emissions, air transportation remains one of the largest offenders. Since air travel is essential to tourism, offsetting the carbon emissions associated therewith will be a key element to achieving the zero emissions clean economy target set by the Legislature.

Your Committees note their desire to work with the Department of Land and Natural Resources to determine what is the verified CO2 offset of air travel emissions and how to maximize public outreach to best implement this measure in a meaningful way.

Your Committees have amended this measure by:

- (1) Removing the requirement that the Department of Transportation maintain and staff kiosks at airports for the purpose of assisting travelers with purchasing carbon offset credits;
- (2) Inserting an effective date of January 1, 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 Transportation and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 304, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 304, 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, Inouye).

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

SCRep. 241 (Joint) Transportation and Agriculture and Environment on S.B. No. 1309

The purpose and intent of this measure is to:

- Establish an electric vehicle incentive program by imposing a one-time tax on the purchase of vehicles that are not zero
 emission vehicles; and
- (2) Make an appropriation for the administrative costs of the electric vehicle charging system rebate program.

Your Committees received testimony in support of this measure from the Hawaiian Electric Company, Tesla, and Blue Planet Foundation. Your Committees received testimony in opposition to this measure from the JN Group and Alliance for Automotive Innovation. Your Committees received comments on this measure from the Department of Transportation, Hawaii State Energy Office, Public Utilities Commission, Tax Foundation of Hawaii, and Hawaii Energy.

Your Committees find that the automotive industry is rapidly moving towards an all-electric vehicle future. And while this shift from combustion-engines to clean electric vehicles will benefit the environment and help Hawaii achieve its energy goals, the State's infrastructure is woefully unprepared to accommodate an all-electric future. This measure will provide additional funding to assist the State in developing its electric vehicle charging infrastructure.

Your Committees note that the State will need to upgrade its electric vehicle charging infrastructure and the clock is ticking to accomplish that task. With General Motors recently announcing that it will produce electric vehicles exclusively by 2035 and other major automakers poised to achieve that goal sooner, the State only has fourteen years to be ready for this transition.

Your Committees have amended this measure by:

- (1) Deleting language that would have established the electric vehicle infrastructure incentive program, which would have levied a tax of ten percent of the gross proceeds of new non-electric vehicle sales within the State over \$60,000;
- (2) Inserting language to require for non-electric vehicles with an initial MSRP exceeding \$60,000 registered in the State after December 31, 2021, an annual luxury pollution registration fee of an unspecified percent of the MSRP greater than \$60,000;
- (3) Requiring twenty-five percent of proceeds from the luxury pollution vehicle registration fee to be deposited into the state highway fund and seventy-five percent to be deposited into the energy security special fund for the electric vehicle charging system rebate program;
- (4) Expanding the electric vehicle charging system rebate program by authorizing the Public Utilities Commission to provide a rebate for new electric vehicles or installation or upgrade of an electric vehicle charging system to low-income applicants who are residents of the State;
- (5) Amending section 1 to reflect its amended purpose;
- (6) Inserting an effective date of January 1, 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 Transportation and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1309, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1309, 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, Inouye).

Agriculture and Environment: Ayes, 5; Ayes with Reservations (Nishihara). Noes, none. Excused, none.

SCRep. 242 Ways and Means on S.B. No. 336

The purpose and intent of this measure is to increase, from \$25,000 to \$50,000, the maximum amount of each agricultural and aquacultural loan that the Chairperson of the Board of Agriculture may be authorized to unilaterally approve.

Your Committee received written comments in support of this measure from the Department of Agriculture, Ulupono Initiative, and Hawaii Farm Bureau.

Your Committee finds that increasing the maximum amount of state funds that the Chairperson of the Board of Agriculture is authorized to unilaterally approve for each agricultural and aquacultural loan will help reduce approval times for micro-loans and ensure that loan applicants receive needed financial assistance in a timely manner.

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. 336, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 336, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Shimabukuro, Taniguchi).

SCRep. 243 Ways and Means on S.B. No. 144

The purpose and intent of this measure is to facilitate the purchase of school supplies for low-income families.

Specifically, the measure:

- (1) Requires the Department of Education to establish and implement a one-year school supply subsidy pilot program at Naalehu Elementary School; and
- (2) Appropriates funds for the program.

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

Your Committee finds that implementing a one-year school supply subsidy pilot program at Naalehu Elementary School, where many students are children from low-income families, would help to identify methods for relieving the financial burden of education on these families and contribute to the creation of a successful learning environment.

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. 144, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 144, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Shimabukuro, Taniguchi).

SCRep. 244 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 664

The purpose and intent of this measure is to require the Department of Public Safety to develop the new Oahu Community Correctional Center.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services and Department of Public Safety. Your Committee received testimony in opposition to this measure from the American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, and three individuals. Your Committee received comments on this measure from the Office of the Public Defender and one individual.

Your Committee finds that a new facility for the Oahu Community Correctional Center is critical to the Department of Public Safety in fulfilling their responsibility to provide safe and secure services to certain members of our community. Parts of the current facility are over one hundred years old, and is neither adequate nor appropriate to meet today's correctional needs. Escalating maintenance costs, the lack of a safe and efficient work environment for corrections staff, and the inability to address detainees with special needs or mental health issues underscore the importance of this project. Your Committee further finds that a new facility will allow the State to provide inmates with healing, and subsequently, transformational programs and services that aim at a successful integration back into their home communities. This measure will allow the new facility to be developed, which will provide inmates and corrections personnel with a healthier and safer environment.

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. 664 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 (Riviere).

SCRep. 245 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 744

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 private correctional facilities; and
- (2) Prohibit the establishment of private correctional facilities in the State.

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; Imua Alliance; Community Alliance on Prisons; ACLU Hawai'i; and two individuals. Your Committee received comments on this measure from the Department of Public Safety.

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 for 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. 744 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 (Riviere).

SCRep. 246 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1194

The purpose and intent of this measure is to provide emergency appropriations to the Department of Public Safety to continue funding for various coronavirus disease 2019 (COVID-19) pandemic response related programs and activities.

Your Committee received testimony in support of this measure from the Department of Public Safety. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the impact of the SARS-CoV-2 virus and resulting COVID-19 pandemic has been devastating to global, national, and state economies. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was enacted on March 27, 2020, to address the extensive health and economic fallout of the COVID-19 pandemic and provided federal funds to support the State's COVID-19 relief efforts. With the expiration of federal CARES Act funds, your Committee finds that additional funds are needed to continue critical COVID-19 response programs and activities within the Department of Public Safety for the remainder of fiscal year 2020-2021. This measure will appropriate funds for the purpose of COVID-19 response activities and provide transparency and accountability for the use of those funds by the Department of Public Safety.

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. 1194 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 (Riviere).

SCRep. 247 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1112

The purpose and intent of this measure is to require that the minimum appointment eligibility for the Adjutant General be an officer that holds or has held a commission of the rank of Colonel in the military grade of O6 or above in the Army or Air National Guard, state defense force, or the Army or Air Force active component of the United States or a reserve component thereof and has no administrative actions that would prevent promotion to the rank of a general officer in the military grade of O7 or O8.

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 Defense.

Your Committee finds that Hawaii does not have substantive qualifying criteria for the Governor to use in the selection of the Adjutant General. Your Committee further finds that the key role the Adjutant General plays in the safety and security of the people of Hawaii warrants this individual to have certain experience. This measure provides qualifying criteria to assist with the selection of the Adjutant General.

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. 1112, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1112, 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. 248 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1187

The purpose and intent of this measure is to make an emergency appropriation to provide funds for the Department of Public Safety to cover the shortfall of funding for the costs of personnel services at all correctional institutions statewide.

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

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic has placed unprecedented pressures on the economy of the State of Hawaii, forcing state government to severely restrict its operating budget. Act 5, Session Laws of Hawaii 2019, as amended by Act 7, Session Laws of Hawaii 2020, as amended by Act 9, Session Laws of Hawaii 2020, deleted the base salary of approximately two hundred ninety-eight positions of the Department of Public Safety, including positions for the health care division which is at the forefront of the Department of Public Safety's response to the COVID-19 pandemic. This measure will ensure that critical personnel in the Department of Public Safety are compensated for their services and that necessary positions are reinstated.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$502,476 in general funds for fiscal year 2021-2022, for the funding of intake service center positions;
- (2) Inserting an effective date of July 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 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. 1187, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1187, 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 (Riviere).

SCRep. 249 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1243

The purpose and intent of this measure is to:

- (1) Require the State to phase out the use of private correctional facilities for incarceration of Hawaii inmates; and
- (2) Prohibit the construction of new correctional facilities or the expansion of existing correctional facilities without the approval of the Hawaii Correctional System Oversight Commission.

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 Government Employees Association, AFSCME Local 152, AFL-CIO; Imua Alliance, Community Alliance on Prisons, League of Women Voters, and three individuals. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that the State has relied on contracted private, for-profit prisons to house a significant portion of the State's prison population for more than two decades. Private correctional facilities' goal of generating the greatest possible profit is in direct conflict with providing safe and humane conditions. Your Committee further finds that the inmates who serve their sentences in these out-of-state facilities are effectively exiled thousands of miles away from their families, friends, and crucial support networks. The impacts of this isolation are felt disproportionately by the native Hawaiian inmates, who are significantly more likely to be transferred to out-of-state prisons than inmates of other ethnicities. This measure will phase out the use of private prisons, which will bring out-of-state inmates back to Hawaii and closer to their families, support systems, and local communities.

Your Committee has amended this measure by specifying that beginning July 1, 2022, rather than July 1, 2021, the Director of Public Safety shall commence reducing the number of committed felons incarcerated in private correctional institutions.

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. 1243, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1243, 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 (Riviere).

SCRep. 250 Energy, Economic Development, and Tourism on S.B. No. 850

The purpose and intent of this measure is to establish a Broadband Equity Task Force to expand digital inclusion and adoption to achieve digital equity to ensure that all individuals and communities, especially the most disadvantaged and geographically isolated, have access to information and modern communication technologies.

Your Committee received testimony in support of this measure from the Department of Education, Department of Transportation, Office of the Mayor of the City and County of Honolulu, Office of the Mayor of Maui County, Office of the Mayor of Hawaii County, Office of the Mayor of Kauai County, Hawaii Primary Care Association, Ka'u Rural Health Community Association, AARP Hawai'i, and three individuals. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Labor and Industrial Relations; Office of Community Services; Department of Commerce and Consumer Affairs; and Office of Information Practices.

Your Committee finds that the global pandemic, triggering stay-at-home and social distancing orders, has underscored the critical need for universal broadband access for distance learning, telework and job training, telehealth and social services, and social and civic engagement.

Your Committee heard the testimony from the Department of Commerce and Consumer Affairs recognizing the value of seeking input from and coordinating among the various broadband stakeholders comprising the Broadband Access Equity Task Force, and this measure provides the Department of Commerce and Consumer Affairs with needed flexibility to help carry out the functions of the task force. Your Committee also finds that the Broadband Access Equity Task Force will consider issues that are of great interest to the public. Accordingly, your Committee believes that the public should have access to the task force's policy discussions and decision-making.

Your Committee has amended this measure by:

- (1) Replacing the Administrator of the Cable Television Division with the Director of the Department of Commerce and Consumer Affairs;
- (2) Removing the Broadband Access Equity Task Force from the Sunshine Law exemption under chapter 92 of the 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 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. 850, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 850, 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. 251 Energy, Economic Development, and Tourism on S.B. No. 932

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) Authorize monies in the green infrastructure special fund to be used to finance the option to purchase solar systems and other clean energy equipment, including the purchase or lease of electric vehicles;
- (4) Appropriate funds out of the clean energy and energy efficiency revolving loan fund; and
- (5) Replace the Department of Business, Economic Development, and Tourism with the Hawaii Green Infrastructure Authority as the administering agency for the motion picture, digital media, and film production income tax credit (motion picture income tax credit).

Your Committee received testimony in support of this measure from Hawaii State Energy Office, Hawaii Green Infrastructure Authority, and Climate Protectors Coalition. Your Committee received comments on this measure from the Department of Energy, Economic Development, and Tourism; Department of Budget and Finance; Department of Commerce and Consumer Affairs; Public Utilities Commission; and Tax Foundation of Hawaii.

Your Committee finds that it is important to strengthen the Hawaii green infrastructure authority's ability to support investment in clean energy technology, including electric vehicles and electric charging vehicle systems and infrastructure.

Your Committee also finds that while financial expertise is important in the administration of the motion picture income tax credit, sufficient industry experience is also necessary in order to pass on the reasonableness of production costs, to negotiate with industry members regarding qualified Hawaii promotions, efforts to hire local talent and crew, and competition from other jurisdictions seeking to land production work.

Your Committee heard the testimony from the Department of Business, Economic Development, and Tourism that it is currently taking steps to address both the financial expertise and industry knowledge in the administration of the tax credit. Therefore, your Committee believes it is unnecessary, at this time, to replace the Department of Business, Economic Development, and Tourism with the Hawaii Green Infrastructure Authority as the administering agency for the income tax credit.

Your Committee has amended this measure by:

- (1) Removing part II pertaining to the administration of the motion picture income tax credit; 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. 932, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 932, 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. 252 Human Services on S.B. No. 1132

The purpose and intent of this measure is to:

- (1) Ensure access to health care for Medicaid recipients by establishing a Medicaid sustainability fee assessed on health insurers;
- (2) Establish a limited-term Medicaid sustainability program special fund to receive money from the Medicaid sustainability fee and federal Medicaid matching funds; and
- (3) Provide for the use of the money in the Medicaid sustainability program special fund.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawai'i Primary Care Association, and Ohana Health Plan. Your Committee received comments on this measure from Hawaii Medical Services Association.

Your Committee finds that by collecting fees assessed on health insurers for a two-year period, with a limited purpose, the Medicaid Sustainability Program created by this measure will preserve access to much-needed critical healthcare services without compromising or reducing current provider rates, beneficiary eligibility, benefits, and choice of health plans. Further, your Committee finds that given the State's unprecedented budget shortfall, the program will allow the State to draw down increased federal Medicaid matching funds to help fill the revenue gaps and balance the State's budget, provided that the program does not negatively impact the financial well-being of health plans and permits the State to repeal the Medicaid sustainability fee when it is no longer needed.

Your Committee, accordingly, has amended this measure by:

- (1) Adding language to the definition of "health insurer" to exclude "not-for-profit" health plans;
- (2) Removing language from the definition of "member month";
- (3) Inserting an effective date of May 1, 2029, 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1132, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1132, 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. 253 Human Services on S.B. No. 391

The purpose and intent of this bill is to establish best practices to assist people with histories of homelessness and barriers to employment to enter or re-enter the work force or obtain housing by adopting a plan to expunge the records of a person for certain non-violent criminal offenses, if they are substantially related to the person's homeless status.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, Office of the Public Defender, Office of Hawaiian Affairs, Office of the Prosecuting Attorney of the County of Kauai, Neighborhood Place of Puna, Hawaii Appleseed Center for Law & Economic Justice, Hawai'i Health and Harm Reduction Center, Hawai'i Friends of Justice and Civic Education, ACLU of Hawai'i, Association of Hawaiian Civic Clubs, and thirty-seven individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Retail Merchants of Hawaii, and one individual. Your Committee received comments on this measure from the Judiciary and Department of Public Safety.

Your Committee finds that this measure will fulfill a 2021 legislative priority by adopting a plan to expunge the records of a person for certain non-violent criminal offenses if they are substantially related to the person's homeless status. In many cases, an individual's criminal history includes multiple convictions for non-violent offenses, such as park closure, violation of sit-lie ordinances, or sidewalk obstruction. Your Committee also finds that a history of criminal convictions can be a barrier for homeless individuals seeking employment. To address this problem, your Committee finds that this measure establishes a clear process to address the expungement of these offenses for homeless individuals, when those offenses are substantially related to the person's homeless status. By doing so, this measure will remove a barrier for houseless individuals who are trying to enter the workforce or find suitable housing, as they try to regain their independent living status. Finally, your Committee finds that this measure will assist these individuals to lift themselves up and out of a legal quagmire that holds them back but provides no tangible benefit to the State.

Accordingly, to further clarify which offenses are included by this plan, your Committee has amended this measure by limiting expungement to misdemeanor offenses no higher than those described under sections 708-814.7 and 711-1105, Hawaii Revised Statutes, and any offense no higher than a misdemeanor not involving bodily harm or the threat of bodily harm, if the offense is substantially related to the person's homeless status.

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 concurs with the intent and purpose of S.B. No. 391, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 391, 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. 254 Water and Land on S.B. No. 255

The purpose and intent of this measure is to clarify Hawaii's commercial marine license laws by:

- (1) Specifying that a single valid commercial marine vessel license satisfies the licensure requirement for all persons aboard the licensed vessel; and
- (2) Requiring any person providing 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; Coral Fish Hawaii, Inc.; Hawaii Seafood Council; S. Tokunaga Store, Inc.; United Fishing Agency, Ltd.; POP Fishing & Marine; Vessel Management Associates, Inc.; Waialua Boat Club; Hawaii Longline Association; Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.; Ice Partners, LLC; Tropic Fish Hawaii, LLC; and sixteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Marlin Tournament Series.

Your Committee finds that the current commercial marine license laws are unduly burdensome on small scale, boat-based commercial fishers and those who provide vessel-based commercial fishing charter services. Your Committee further finds that the establishment of a new commercial marine vessel license category is more convenient and cost-effective for Hawaii's boat-based fishers. This measure allows for a single commercial marine vessel license to cover all individuals aboard a commercial marine vessel, eliminates the need for individual commercial marine licenses, and clarifies who is responsible for submitting catch reports for the vessel.

Your Committee has amended this measure by:

- (1) Authorizing the Department of Land and Natural Resources to adopt rules and fees for the issuance of a commercial marine vessel license:
- (2) Allowing marine charter fishing vessels to obtain commercial marine vessel licenses; 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. 255, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 255, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 255 Water and Land on S.B. No. 474

The purpose and intent of this measure is to ensure that buyers of coastal property understand the hazards and risks they are assuming in purchasing oceanfront property. Specifically, this measure requires that sellers of residential real property disclose whether a residential real property lies within a sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission or its successor.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Climate Change Mitigation and Adaptation Commission, Hawai'i Reef Ocean Coalition, Hawai'i Association of REALTORS, Imua Alliance, Sierra Club of Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, Surfrider Foundation, and eleven individuals.

Your Committee finds that the value of property lying within the boundaries of a sea level rise exposure area will likely be affected over time, and is therefore a material fact that should be disclosed by the seller in a real property transaction in accordance with chapter 508D, Hawaii Revised Statutes, relating to mandatory seller disclosures in real estate transactions. Your Committee further finds that the Hawai'i Association of REALTORS will need time to not only update the seller's real property disclosure statement and the oceanfront property addendum of their purchase contracts, but also to train their members to use the Hawaii sea level rise viewer, which is an interactive mapping tool that depicts projections for future hazard exposure and assesses economic and other vulnerabilities due to rising sea levels.

Accordingly, your Committee has amended this measure by inserting an effective date of May 1, 2022.

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. 474, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 474, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

Signed by the Chair on behalf of the Committee.

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

SCRep. 256 Higher Education on S.B. No. 1219

The purpose and intent of this measure is to remove the sunset provision of Act 39, Session Laws of Hawaii 2017 (Act 39), thereby making the Innovation and Commercialization Initiative Program at the University of Hawaii permanent.

Your Committee received testimony in support of this measure from the University of Hawai'i System and Hawaii Business Roundtable.

Your Committee finds that Act 39 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. With Act 39, the Innovation and Commercialization Initiative Program was established within the University of Hawaii under sections 304A-1951 through 1959, Hawaii Revised Statutes. Under Act 39, this authority is set to be repealed on June 30, 2021.

Your Committee finds that the University of Hawaii, as the only public system of higher education in the State, plays a critical role in diversifying Hawaii's economy by promoting research, discovery, and commercial innovation. For the University to remain competitive, it is imperative that it has a strong and comprehensive research program with the capacity to support commercial innovation. Your Committee believes that it is in the interest of the State to allow the efforts of the University's Innovation and Commercialization Initiative Program, which is still in its early stages, to continue to attain its goal of promoting the State's economic health and diversification of workforce opportunities.

Accordingly, your Committee has amended this measure by:

- (1) Extending the sunset date of Act 39 by three years, to June 30, 2024; 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. 1219, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1219, 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 (Fevella). Noes, none. Excused, none.

SCRep. 257 (Majority) Higher Education on S.B. No. 1218

The purpose and intent of this measure is to remove the sunset provision in Act 38, Session Laws of Hawaii 2017 (Act 38), that exempts technology transfer activities sponsored by the University of Hawaii from certain sections of the State Ethics Code, for the purpose of allowing the University of Hawaii to continue its contribution to research commercialization and economic development.

Your Committee received testimony in support of this measure from the University of Hawai'i System and the Hawaii Business Roundtable. Your Committee received comments on this measure from the Hawai'i State Ethics Commission.

Your Committee finds that Act 38 was enacted to facilitate the University of Hawaii's contribution to research commercialization and economic development for the State by making certain sections of the State Ethics Code inapplicable to technology transfer activities sponsored by the University, provided that the activities comply with the regulatory framework and research compliance program approved by the Board of Regents. Under Act 38, this exemption is set to be repealed on June 30, 2022.

Your Committee finds that it is a matter of statewide concern to support the timely and efficient commercialization of intellectual property created by basic and applied research at the University of Hawaii, and that extending Act 38 will allow the University to continue its contribution to research commercialization and economic development. Your Committee also finds that since the enactment of Act 38, the University of Hawaii has consulted with various stakeholder groups in the University of Hawaii community, including its faculty, to develop the policies, internal guidance, forms, and procedural protocols to comply with the requirements under Act 38. Your Committee finds that the University of Hawaii has completed its issuance of a Regents Policy and Executive Policy, and is currently in the process of finalizing its administrative procedures, to ensure compliance with an Act 38 management plan that is designed to identify, address, and mitigate conflicts of interest that arise during technology transfer activities involving its faculty.

Your Committee believes that there is a need for stakeholders, such as the Legislature, University of Hawaii, Hawaii State Ethics Commission, and general public to have the opportunity to review the University of Hawaii's final compliance framework on technology transfer activities. Therefore, your Committee recommends a three-year extension of Act 38, rather than the removal of the sunset provision being requested.

Accordingly, your Committee has amended this measure by:

- (1) Extending the repeal date of Act 38 by three years, to June 30, 2025; 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. 1218, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1218, S.D. 1, and be referred to your Committee on Judiciary.

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

SCRep. 258 Higher Education on S.B. No. 1222

The purpose and intent of this measure is to allow the Conference Center Revolving Fund (Revolving Fund) for the University of Hawaii at Hilo (UH-Hilo) to be expended by:

- Expanding the scope of use of the Revolving Fund from being limited to expenditures by the conference center program at the College of Continuing Education and Community Service to all conference center programs conducted by UH-Hilo;
- (2) Transferring the authority to expend monies from the Revolving Fund from the Dean of the College of Continuing Education and Community Service to the Chancellor of UH-Hilo or the Chancellor's designee;
- (3) Exempting the expenditure of monies from the Revolving Fund from the bidding requirements under the state procurement requirements; and
- (4) Requiring the Chancellor of UH-Hilo to submit annual reports to the Legislature providing an accounting for the Revolving Fund.

Your Committee received testimony in support of this measure from the University of Hawai'i System.

Your Committee finds that the Revolving Fund, which is specifically designated to be expended for the conference center program at the College of Continuing Education and Community Service at UH-Hilo, is no longer in use because the college no longer exists. Your Committee further finds that the State Auditor, in Auditor's Report No. 20-03, recommended that the Revolving Fund be repealed as it has been inactive and no longer serves the purpose for which it was created. This measure would allow the Revolving Fund to be restructured for the purpose of all conference center programs conducted by UH-Hilo. Furthermore, providing an exemption from the bidding requirements under the Hawaii Public Procurement Code would allow for more efficient use of expenditures out of the Revolving Fund.

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. 1222, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1222, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 259 Human Services on S.B. No. 1137

The purpose and intent of this measure is to maintain funding for the Spouse and Child Abuse Special Fund, thereby securing a stable source of funding for neglect, prevention, intervention, and other services. by retaining all unencumbered and unexpended moneys, including Family First and title IV-E federal reimbursements received in the fiscal year following the year in which the funds were expended.

Your Committee received testimony in support of this measure from the Department of Human Services, Domestic Violence Action Center, and two individuals.

Your Committee finds that there is a need to secure funding for spouse and child abuse in Hawaii. The Family First Prevention Services Act of 2018, Public Law 115-123, adds a mechanism for states to claim reimbursement through Title IV-E of the Social Security Act for a percentage of state funds spent on certain child abuse and neglect prevention services. Your Committee further finds the Department of Human Services submitted its Family First Hawai'i Plan for federal review at the end of December 2020 and is awaiting its approval. Your Committee also finds that once the plan is approved and implemented, the Department of Human Services will be able to begin drawing down additional federal reimbursement funds for certain prevention services under the Family First Hawai'i program. Accordingly, your Committee finds that this measure will provide a means to retain necessary funding for the Spouse and Child Special Fund.

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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1137, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1137, 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. 260 Labor, Culture and the Arts on S.B. No. 676

The purpose and intent of this measure is to increase the minimum wage for certain employees from the current \$10.10 per hour to \$12.00 per hour beginning July 1, 2022.

Your Committee received testimony in support of this measure from one member of the County Council of the County of Maui; 'Ai Pohaku; Americans for Democratic Action; Common Cause Hawaii; Faith Action for Community Equity; Democratic Party of Hawai'i LGBT Caucus; Democratic Party of Hawai'i Women's Caucus; Earth Medicine Institute; Free Access Coalition; Hawai'i Appleseed Center for Law and Economic Justice; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State Teachers Association; Hawaii'i Workers Center; International Longshore and Warehouse Union Local 142; Kauai Community Coalition; Kauai Organic Agroecological Systems; League of Women Voters of Hawaii; Our Revolution Hawaii; Pono Hawaii'i Initiative; Pono Praxis; Pride at Work – Hawaii'i, Sierra Club of Hawaii'i; Trilogy Excursions; Young Progressives Demanding Action; and one hundred sixty-three individuals. Your Committee received testimony in opposition to this measure from the Chamber of Commerce of Hawaii; Diamond Bakery Co., Ltd.; Envisions Entertainment & Productions, Inc.; Gyotaku Japanese Restaurants; Hawaii Food Industry Association; Hawaii Restaurant Association; Hawaii Transportation Association; Highway Inn, Inc.; IL Gelato Hawaii; Island Plastic Bags, Inc.; Kona-Kohala Chamber of Commerce; Maui Chamber of Commerce; Molokai Chamber of Commerce; National Federation of Independent Business; Retail Merchants of Hawaii; Seven-Eleven Hawaii, Inc.; Warren W. Gibson III, LLC, dba Warren & Annabelle's; and three individuals. Your Committee received comments on this measure from the Department of Labor and Industrial Relations, Community Alliance on Prisons, Democratic Party of Hawai'i Education Caucus, Imua Alliance, Living Wage Hawaii, and five individuals.

Your Committee finds that a vast majority of credible studies conclude that higher minimum wages appreciably boost workers' earnings with little or no effect on employment. A 2018 study by the U.S. Census Bureau found that raising the minimum wage benefits a large majority of low-income workers by putting them on the path to higher earnings in the long term and decreasing income inequality. Your Committee further finds that currently, there is a significant difference between the minimum wage and what is needed to afford basic needs in Hawaii. Indeed, Hawaii has the lowest average wage in the nation when adjusted for the cost of living. This measure will therefore increase the minimum wage which will raise the quality of life for Hawaii residents, reduce poverty, and increase economic activity.

Your Committee acknowledges the significant number of testimonies asking that this measure be amended to incrementally increase the minimum wage to \$17.00 per hour by 2026, based on reports issued by the Department of Business, Economic Development, and Tourism. On the other hand, your Committee cannot pretermit the effect such increase may have on small businesses in Hawaii that are barely surviving the unprecedented disruption caused by the coronavirus disease 2019 (COVID-19) pandemic.

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. 676, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 676, 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; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 261 Ways and Means on S.B. No. 384

The purpose and intent of this measure is to clarify that filing fees for tax appeals are nonrefundable and that no deposits are required for tax appeals.

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

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

Your Committee finds that Act 152, Session Laws of Hawaii 1997, authorized the Hawaii Supreme Court to establish by rule a nonrefundable filing fee for tax appeal cases. Your Committee further finds that this is a housekeeping measure that amends sections 232-22 and 232-23, Hawaii Revised Statutes, which govern the costs associated with tax appeals, to align with the intent of Act 152.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 384 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, 11. Noes, none. Excused, none.

SCRep. 262 Ways and Means on S.B. No. 172

The purpose and intent of this measure is to extend eligibility for grants under Chapter 42F, Hawaii Revised Statutes, to organizations that spend at least ninety percent of their respective operating budgets in the State.

Your Committee received written comments in support of this measure from the Kauai County Council, Managing Director of the County of Kauai, Hui Makaaina o Makana, and National Tropical Botanical Garden.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Office of Community Services.

Your Committee finds that extending eligibility for grants under Chapter 42F, Hawaii Revised Statutes, will ultimately benefit the State. However, your Committee believes that the percentage of an organization's operating budget that is spent in the State may be an ineffective measure of qualification for these grants.

Your Committee has amended this measure by:

- (1) Replacing language allowing an organization to qualify for a grant under Chapter 42F, Hawaii Revised Statutes, if the organization spends at least ninety percent of its operating budget in the State with language allowing the organization to qualify if the organization is registered with the Department of Commerce and Consumer Affairs and in possession of a valid certificate of vendor compliance issued by the State; 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. 172, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 172, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Taniguchi). Noes, none. Excused, none.

SCRep. 263 Ways and Means on S.B. No. 594

The purpose and intent of this measure is to amend the state general excise tax law.

More specifically, this measure authorizes the Director of Taxation to exempt from monthly, quarterly, or semiannual general excise tax filing requirements a taxpayer whose annual general excise tax liability does not exceed \$100; provided that the taxpayer files an annual return

Your Committee received testimony in support of this measure from an individual.

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

Your Committee finds that, under current state law, periodic returns are required semiannually for taxpayers reporting less than \$2,000 in annual general excise tax liability; quarterly for taxpayers reporting more than \$2,000 and less than \$4,000; and monthly for taxpayers reporting more than \$4,000. Your Committee believes that this measure may ease the burden both for taxpayers who must file periodic returns, as well as the Department of Taxation, which must process the returns.

Your Committee has amended this measure by:

- (1) Changing the effective date to apply to taxable years beginning after December 31, 2021; 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. 594, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 594, 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, 1 (Shimabukuro).

SCRep. 264 Agriculture and Environment on S.B. No. 186

The purpose and intent of this measure is to prohibit the enforcement of a re-recorded homeowners' association restriction if the restriction prohibits bona fide agricultural uses and activities on agricultural land.

Your Committee received testimony in support of this measure from the Department of Agriculture, Office of Planning, Hawai'i Farm Bureau, and one individual. Your Committee received testimony in opposition to this measure from the Community Associations Institute and one individual. Your Committee received comments on this measure from the Land Use Commission and Associa.

Your Committee finds that subdivision of agricultural lands has significantly increased over the past few decades, thereby leading homeowners' associations to impose restrictions that limit bona fide agricultural uses on agricultural lands. Currently, some homeowners' associations have been circumventing the law by renewing agricultural restrictions that existed prior to July 8, 2003, claiming that the renewed terms continue to be exempt from the law despite those agreements, by their own terms, expiring after 2003. Restrictive covenants that limit agricultural uses on agricultural lands undermine the State's interest in protecting and preserving agricultural resources and promoting self-sufficiency. Additionally, agricultural subdivisions promote conflict between "gentlemen estates", where little farming exists, and bona fide farmers in surrounding areas regarding dust, odors, smoke, and noise from farming operations. The existence of these gentlemen estates increases the cost of agricultural land, making it difficult for bona fide purchasers to purchase farm land. Thus, this measure is needed to prevent the restriction of agricultural uses and activities on lots within state agricultural districts. This measure also clarifies that renewed contracts restricting agricultural uses and activities within agricultural uses and activities on limited circumstances.

Your Committee notes testifiers' concerns that this measure as currently written is overly broad. Many agricultural condominiums have restrictions on the types of agriculture permitted as the project itself may have limitations, such as the availability of water, electricity, or the topography and should not be forced to anticipate the inception of the 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. 186 and recommends that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

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

SCRep. 265 Agriculture and Environment on S.B. No. 495

The purpose and intent of this measure is to:

- 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;
- (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; and
- (5) Exempt membership stock or membership certificates issued by a cooperative and preferred stock, equity, or notes issued to members of a cooperative.

Your Committee received testimony in support of this measure from the University of Hawai'i System; Earth Law Center; EcoTipping Points Project; Ulupono Initiative LLC; Land Use Research Foundation of Hawaii; The Kohala Center; GoFarm Hawai'i; Moloka'i Livestock Cooperativ; Hawai'i 'Ulu Cooperative; Hawaii Cattlemen's Council, Inc.; Hawai'i Farm Bureau; and nine individuals. Your Committee received comments on this measure from the Department of Agriculture and Department of Commerce and Consumer Affairs, Business Registration Division.

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, the members 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. Currently, the statutes limit cooperative membership to specific members of farmers and consumers, which do not work for all cooperative structures. Additionally, updates to the current cooperative structure will allow for expanded lawful practices within cooperatives that provide additional benefit for cooperative member businesses, including the resale of member products on a non-profit basis and the acceptance of services and labor from volunteers. 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. This measure allows for a broader membership base that would facilitate diverse member financing and lessen the fundraising challenges experienced by cooperatives that have difficulty acquiring finances from conventional lending institutions.

Your Committee also notes that this measure includes "sacred species and natural ecosystems" in the definition of "person." The expanded definition of "person" expresses a way in which cooperatives can give a voice to nature and is an important step toward placing Hawaii at the forefront of a global movement aligned with its cultural values.

Your Committee has amended this measure by:

- (1) Amending the title of chapter 421C-36, Hawaii Revised Statutes, to reflect it amended purpose; 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. 495, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 495, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection

Signed by the Chair on behalf of the Committee.

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

SCRep. 266 Agriculture and Environment on S.B. No. 964

The purpose and intent of this measure is to:

- (1) Establish a class of artisan-scale composting operations exempt from Department of Health regulations to divert organic materials from Hawaii's landfills;
- (2) Broaden the definition of food waste as used in integrated solid waste management; and
- (3) Exclude facilities designed primarily for composting organic material from the requirement that waste facilities shall not be constructed or modified without establishing a buffer zone.

Your Committee received testimony in support of this measure from one member of the Kaua'i County Council, Kūpuna for the Moʻopuna, Pele Lani Farm LLC, Environmental Caucus of the Democratic Party of Hawai'i, Kauai Climate Action Coalition, Kōkua Hawai'i Foundation, West Maui Green Cycle, Zero Waste Maui, and twelve individuals. Your Committee received comments on this measure from the Department of Health, County of Kaua'i Department of Public Works, and the Hawai'i Farm Bureau.

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, while imported, petroleum-based, and energy-intensive fertilizers destabilize a healthy soil microbiome. This measure furthers the State's waste management goals and ensures progress toward managing the State's waste by addressing the urgent need to expand the State's capacity for capturing and processing the organic waste its residents and visitors generate.

Your Committee further finds that organics constitute the largest single component of Hawaii'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 to divert organic materials from Hawaii's landfills and sequester atmospheric carbon.

Your Committee considered the concerns that composting at schools rarely occurs on land zoned agricultural or industrial lands because these facilities are often located on land zoned as mixed use or residential. Individuals who seek to stage zero waste events must obtain a permit for small scale activities that place an unreasonable burden on teachers, communities, and event organizers. Given these longstanding issues with the Department of Health and individuals who seek to compost, your Committee considered requesting evidence to show that composting for small scale activities poses a public health hazard. Your Committee also considered the need to expand artisan scale composting to lands zoned in commercial or residential lands.

Your Committee notes the concerns of the Department of Health that removing the Department's authority over permitting of federal municipal solid waste landfills places the State in noncompliance of 40 C.F.R. Part 239. The loss of a federal approved program will no longer afford other municipal solid waste landfills in the State, which are currently all owned by the counties, the ability to design, operate, monitor, and close their counties, the ability to design, operate, monitor, and close their landfill using alternative designs or methods to the federal standard that could be more suitable for local site conditions and more cost-effective.

The Department of Health also provided comments that it currently has a tiered solid waste permitting program for relatively small composting facilities. The Department voiced concerns that there are no proposed restrictions on the use and distribution for artisan scale facilities, which could lead to the Department's inability to be protective of human health and the environment through the release of waste that could be a source of pathogenic contamination. Additionally, exemption of state regulations regarding the National Pollutant Discharge Elimination System (NPDES) permit program will not absolve the composters' responsibility of complying with federal NPDES permitting requirements.

Your Committee has amended this measure by:

- Removing the extraneous wording "waste or" from the term "waste or disposal facility" in section 342H-52, Hawaii Revised Statutes;
- (2) Repealing the exclusion of individual, state certified, non-industrial redemption centers from the term "disposal facility", to indicate that composting facilities are already excluded from buffer zones;
- (3) Inserting language to restore the Department of Health's authority over federal facilities;
- (4) Inserting an effective date of July 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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 964, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 964, 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. 267 Agriculture and Environment on S.B. No. 969

The purpose and intent of this measure is to prohibit the sale of certain animal fur products.

Your Committee received testimony in support of this measure from the Humane Society of the United States, Humane Society Veterinary Medical Association, InStyle Magazine, Stella McCartney, Down to Earth Organic & Natural, Animal Rights Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from International Fur Federation, White Fox Fur & Feather Co., Wisconsin Trappers Association, Natural Fibers Alliance, and seventeen individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Association of Fish and Wildlife Agencies, and one individual

Your Committee finds that existing laws provide relatively little oversight of the fur farming and fur trade industries, leading to the compromised health, safety, and welfare of wild animals and animals living within fur farms. Additionally, the fur industry poses serious environmental threats; fur factory farm industrial waste and runoff from animal waste has been tied to polluted air, soil, and waterways. Consumers' concerns for animal cruelty and environmental threats have led to fashion trends moving away from using animal fur and investment in the production of faux fur alternatives that has significantly reduced environmental impacts. Your Committee finds that eliminating the manufacture and sale of fur products in Hawaii will foster a more humane environment.

Your Committee has heard the concerns of the Department of Commerce and Consumer Affairs that the regulation of animal fur products would require oversight by a department or an agency well-versed in matters involving fur farming, fur trade industries, and animal rights.

Your Committee also heard testifier concerns that this measure infringes on personal choice. Testifiers stated that trapping assists with the protection and monitoring of endangered species, reintroduction of species into their original habitats, public safety, prevention of property damage, protection of crops and livestock, protection of ecosystems and habitat, and disease management to protect animal and human health.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 969, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 969, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

Signed by the Chair on behalf of the Committee.

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

SCRep. 268 (Joint) Education and Higher Education on S.B. No. 245

The purpose and intent of this measure is to require the Department of Education's existing 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, a statewide graduation requirement by the 2023-2024 school year and report to the 2022 Legislature and various public school leaders.

Your Committees received testimony in support of this measure from the Maui Chamber of Commerce. Your Committees received testimony in opposition to this measure from three individuals. Your Committees received comments on this measure from Department of Education and Office of Information Practices.

Your Committees find that Hawaii left \$10,000,000 in federal Pell Grants unclaimed in 2018, which is enough to send roughly twenty-five hundred students to a University of Hawaii community college tuition-free. Nationally, nearly \$2,600,000,000 in federal financial aid for higher education went unused by high school graduates from the class of 2018 who were eligible for a federal Pell Grant but did not complete the FAFSA application. When students do not apply for federal student aid, many students may revert to private student loans, which often have high interest rates and lack the consumer protections of federal student loans. This measure creating a working group to increase awareness about FAFSA will help students successfully obtain federal funds and get the financial aid that they need to pursue higher education.

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. 245 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.

Education: Ayes, 5. Noes, none. Excused, none.

Higher Education: Ayes, 4. Noes, none. Excused, 1 (Wakai).

SCRep. 269 Education on S.B. No. 365

The purpose and intent of this measure is to:

(1) Allow public school students in grades kindergarten through 12 to decline participation in dissection, vivisection, and other procedures harmful to animals;

(2) Require schools to make alternative educational projects available, and the Board of Education to develop rules and give notice to all schools.

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

Your Committee finds that dissections and vivisections are a well-established part of many biology class curricula, but some students have ethical, moral, or religious objections to those practices. Advancements in computer software and other technologies have made it possible for schools to achieve the educational objectives met by dissections and vivisections while still respecting the positions and convictions of students regarding the humane treatment of animals.

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. 365 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. 270 Education on S.B. No. 1004

The purpose and intent of this measure is to require the Department of Education to include the teaching of financial literacy in the personal transition plan requirement for each student beginning with the 2021-2022 school year.

Your Committee received testimony in support of this measure from the Hawaii Credit Union League. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that financial education is a lifelong learning process that empowers individuals to plan for their futures. In the past, the educational system has assumed that students will learn important financial skills from their families. However, not all students are being taught the financial skills they will need to be successful later in life.

Your Committee further finds that lack of financial literacy poses a significant barrier for individuals seeking to achieve financial prosperity and stability. Personal financial education is essential to ensure that the youth are prepared to manage money, credit, and debt and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens. This measure will require that Hawaii's youth be educated in economic and financial matters to prepare them for financial independence and success.

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. 1004 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. 271 Education on S.B. No. 815

The purpose and intent of this measure is to:

- (1) Establish maintenance of effort provisions;
- (2) Establish a public education stabilization trust fund; and
- (3) Make appropriations.

Your Committee received testimony in support of this measure from the Department of Education, Board of Education, State Public Charter School Commission, Hawaii State Teachers Association, Kamehameha Schools, Democratic Party of Hawaiii Education Caucus, and one individual. Your Committee received comments on this measure from the Department of Budget and Finance, Tax Foundation of Hawaii, and HE'E Hui for Excellence in Education.

Your Committee finds that the State faces a dire fiscal challenge with drastic cuts to the state budget and virtually every government service it provides, including education. The threat of decreased funding for K-12 public education reduces both access to learning and the preservation of critical safety nets for a significant number of students, particularly the Department of Education's most vulnerable learners and their families.

Your Committee further finds that it must build on the foundation established by the weighted student formula of ensuring equity in access to educational opportunities for all students. It is also incumbent to promote predictability and stability of K-12 education revenues by committing a base of annual funding in the face of changing circumstances to ensure the continuous and uninterrupted equitable distribution of educational resources for all public school students. This measure establishes maintenance of effort provisions to increase funding for public education.

Your Committee has amended this measure by:

- (1) Specifying that the difference in state appropriations between fiscal years that shall be deposited into the public education stabilization trust fund shall only occur in deficits and not surpluses;
- Specifying that the amount deposited into the public education stabilization trust fund shall only apply to reductions in general fund appropriations for direct school funding programs;
- (3) Specifying that the Department of Education shall make an appropriate allocation from the public education stabilization trust fund to ensure that any reductions in charter school programs are appropriately compensated in the same way as public school programs;

- (4) Requiring the Department of Budget and Finance to submit to the Legislature a report on general excise tax revenues diverted from the general fund to the public education stabilization trust fund and the impact that diversion had on other state departments and operations:
- (5) Specifying that the Department of Budget and Finance is to approve and the Department of Education is to prepare a report to be submitted to the Legislature on any money spent from the public education stabilization trust fund;
- (6) Inserting an effective date of July 1, 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 Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 815, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 815, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 272 (Joint) Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 489

The purpose and intent of this measure is to increase the maximum area for each agricultural shade cloth structure, cold farm, and greenhouses 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 Office of Planning; University of Hawai'i College of Tropical Agriculture and Human Resources; Aloun Farms; Ulupono Initiative LLC; Hawaii Farming LLC; Big Island Produce Asset Holdings LLC; Hawaii'i Farm Bureau; Hawaii Cattlemen's Council, Inc.; and two individuals.

Your Committees find that the existing maximum area for each agricultural shade cloth structure, cold frame, and greenhouse that qualifies the structure for an exemption from building permit and building code requirements is twenty thousand square feet. Increasing the maximum area allowed from twenty thousand to sixty thousand square feet will support local food production. 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 economically feasible for farmers and help Hawaii reach its self-sustaining food production goals.

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. 489 and recommend that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 273 (Joint) Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 573

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 Committees received testimony in support of this measure from the Department of Land and Natural Resources, one member of the Hawai'i County Council, Hawai'i Wildlife Center, and six individuals.

Your Committees acknowledge that Hawaii's unique ecosystem is under constant threat by natural and manmade causes and that habitat conservation plans are one means of mitigating against this threat. Your Committees find that the annual service contract requirement proposed by this measure could help to fulfill the requirement under existing law that each habitat conservation plan identify the steps that will be taken to minimize the impact of any incidental take to the maximum extent practicable.

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. 573 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, 5. Noes, none. Excused, none.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 274 Commerce and Consumer Protection on S.B. No. 973

The purpose and intent of this measure is to amend the Money Transmitters Act by:

- Incorporating definitions of key terms provided in the Model Money Services Business Law published by the Conference of State Bank Supervisors;
- (2) Adding supporting documentation to be submitted by a license applicant;
- (3) Extending the period of a license applicant's litigation and criminal conviction history review from five to ten years from the date of the application;

- (4) Requiring a license applicant to submit information concerning any bankruptcy or receivership proceedings; and
- (5) Clarifying the authority of the commissioner of financial institutions relating to examinations and investigations of licensees and to participate in nationwide protocols for licensing cooperation.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that existing law does not provide sufficient flexibility for Hawaii to share supervisory information with other states to swiftly protect consumers who use money transmission companies. The fast-paced nature of money transmissions and innovation of financial technologies necessitates a quicker response. Therefore, this measure adopts certain model act provisions to allow Hawaii to work alongside a network of states to license, supervise, and examine transglobal money transmission companies as a multi-state system to better protect consumers.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 973, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 973, 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. 275 Commerce and Consumer Protection on S.B. No. 193

The purpose and intent of this measure is to:

- Require publicly held domestic corporations to include non-male and non-female individuals among the directors of their corporate boards; and
- (2) Establish reporting requirements for the Department of Commerce and Consumer Affairs and penalties.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, AAUW of Hawaii, Hawai'i Women Lawyers, and seven individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and the LGBT Caucus of the Democratic Party of Hawai'i.

Your Committee finds that, statistically, corporations have much to gain with gender diversity in leadership, including higher profits, better employee job satisfaction and productivity, and better corporate reputations. Nevertheless, while women now represent the majority in the nation's college educated work force, women hold only twenty percent of corporate board positions due to gender discrimination and negative stereotypes. This measure helps to create more opportunities and gender equity on corporate boards for publicly held corporations in the State.

Your Committee has amended this measure by:

- (1) Replacing the term "non-male" with the term "male or non-binary" throughout the measure;
- (2) Replacing the term "non-female" with the term "female or non-binary" throughout the measure;
- (3) Clarifying that, no later than July 1, 2024, the Department of Commerce and Consumer Affairs shall publish a report on its website documenting the number of all publicly held domestic corporations whose principal executive office is located within the State that have at least one male or non-binary director and one female or non-binary director;
- (4) Clarifying the Department of Commerce and Consumer Affairs shall publish on its website subsequent annual reports commencing on March 1, 2025;
- (5) Inserting a definition for "department" to mean the Department of Commerce and Consumer Affairs;
- (6) Inserting an effective date of July 1, 2021; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 193, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 193, 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. 276 Health on S.B. No. 1186

The purpose and intent of this measure is to update the Uniform Controlled Substances Act, chapter 329, Hawaii Revised Statutes, to make it consistent with amendments in the federal controlled substances law as required by section 329-11, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Public Safety; Greenwich Biosciences, Inc.; and Akamai Cannabis Clinic.

Your Committee finds that existing law requires that if a substance is added, deleted, or rescheduled under federal law, or by an emergency scheduling action taken by the Department of Public Safety, then the Department is required to recommend that the Legislature make corresponding changes to Hawaii law. Your Committee further finds that the substances listed in this measure

correspond to several similar changes to the Drug Enforcement Administration's federally controlled substances schedules. Thus, this measure eliminates the differences between federal and state 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1186, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1186, 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. 277 Health on S.B. No. 1192

The purpose and intent of this measure is to amend section 329-101(b) and (d), Hawaii Revised Statutes, to require that the dispensing of a pharmacist-prescribed opioid antagonist be reported to the State's Electronic Prescription Accountability System also known as HI-PDMP.

Your Committee received testimony in support of this measure from the Department of Health and Department of Public Safety. Your Committee received comments on this measure from Kaiser Permanente Hawaii.

Your Committee finds that this measure aligns with and supports the goals of the Hawaii Opioid Initiative to combat the national opioid crisis. Presently, efforts to track dispensing and distribution of opioid antagonists such as naloxone are decentralized. Your Committee finds that requiring pharmacists to report opioid antagonist prescriptions to the Electronic Prescription Accountability System would not be substantially burdensome and would provide the Department of Health with data useful to prevent opioid overdose.

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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1192, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1192, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 278 Health on S.B. No. 1242

The purpose and intent of this measure is to establish a trauma-informed care task force within the Department of Health to make recommendations of trauma-informed care in the State.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Youth Services Network, Office of Hawaiian Affairs, Hawaii Primary Care Association, Hawaii Pacific Health, Kinai 'Eha, Hawaii Substance Abuse Coalition, Kamehameha Schools, Imua Alliance, Hawaii Children's Action Network Speaks!, Hawaii Community Foundation, and nine individuals. Your Committee received comments on this measure from the Department of Human Services and Executive Office on Early Learning.

Your Committee finds that adverse childhood events (ACEs; abuse or dysfunction in childhood) have harmful effects on health care spending, health care utilization, poorly controlled chronic illness, obesity, substance abuse, smoking, and other risk factors later in life. Your Committee further finds that trauma-informed approaches to health and human service systems of care from other states demonstrate improvements in organizational culture, availability and uptake of evidence-based treatments, use of trauma informed practices, and improvements in staff and caregiver knowledge and attitudes. This measure establishes a trauma-informed care task force within the Department of Health to implement a similar trauma-informed approach to health and human services in the State.

Your Committee recognizes the testimony of the Department of Health and other testifiers, which recommend adding certain personnel to the trauma-informed care task force. Accordingly, your Committee has amended this measure by:

- (1) Adding and removing from the trauma-informed care task force, certain members of the community;
- (2) Requiring the task force's framework to include an implementation and sustainability plan; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1242, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1242, 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. 279 Health on S.B. No. 1138

The purpose and intent of this measure is to increase the annual expenditure ceiling of the Office of Healthcare Assurance Special Fund to meet expanding program needs and diminish dependence on the general fund.

Your Committee received testimony in support of this measure from the Department of Health and Hawai'i Primary Care Association.

Your Committee finds that the coronavirus disease 2019 pandemic has had deleterious effects on the State's economy. This measure increases the spending limit of the Office of Healthcare Assurance Special Fund thereby reducing reliance on the general funds of the State.

Your Committee has amended this measure by:

- Prohibiting not more than an unspecified dollar amount of the special fund to be used by the Office of Health Care Assurance during any fiscal year;
- (2) Requiring any amount in the special fund over an unspecified dollar amount on June 30 of each year to be deposited into the general fund;
- (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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1138, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1138, 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. 280 Health on S.B. No. 1231

The purpose and intent of this measure is to provide flexibility to deploy statewide health planning and resource development programs and resources.

Your Committee received testimony in support of this measure from the Department of Health. Your Committee received testimony in opposition to this measure from the State Health Planning and Development Agency, Hawai'i Pacific Health, Kapi'olani Medical Center for Women & Children, Wilcox Medical Center, Navian Hawaii, Democratic Party of Hawai'i, Hawaii Government Employees Association, Hospice Maui, and nine individuals. Your Committee received comments on this measure from Healthcare Association of Hawaii; The Queen's Health Systems; Hawai'i Primary Care Association; Hawaii Medical Services Association; North Hawaii Hospice, Inc.; and two individuals.

Your Committee finds that the Governor's executive biennium budget proposes downsizing the State Health Planning and Development Agency (SHPDA) and transferring its role of administering the Certificate of Need (CON) program to the Department of Health. Your Committee further finds that the CON program is a vital regulatory component for ensuring accessibility to healthcare in Hawaii as well as the long-term financial viability of the healthcare delivery system. This measure makes the duties of SHPDA optional instead of mandatory.

Your Committee heard significant opposition and comment to this measure from various stakeholders in the healthcare community, whose chief concern is the continued operation of the CON program. Your Committee finds that the goals of the Governor's biennium budget may be accomplished by transferring the responsibilities of SHPDA directly to the Department of Health. Furthermore, your Committee finds that excess moneys from the state health planning and development special fund, which SHPDA uses to offset its program expenses, should be returned to the State's general fund.

Therefore, your Committee has amended this measure by:

- (1) Making SHPDA's duties mandatory instead of optional;
- Amending the measure to make the Department of Health alternatively responsible for SHPDA's duties and responsibilities, which repeals after five years;
- (3) Adding a provision that requires any moneys in excess of \$2,000,000 remaining in the state health planning and development special fund at the close of each fiscal year to lapse into the general fund; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1231, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1231, 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. 281 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 560

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 the Americans for Democratic Action, Common Cause Hawaii, Green Party Hawaii, and eight individuals. Your Committee received testimony in opposition to this measure from three individuals.

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.

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. 560 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. 282 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 568

The purpose and intent of this measure is to:

- (1) Clarify that persons who enter private property for recreational purposes have no cause of action, unless exempted under law;
- (2) Require a court to award attorneys' fees and costs to landowners if plaintiffs bring unreasonable claims; and
- (3) State that, as a matter of law, persons participating in outdoor recreational activities accept the inherent dangers in the activities.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Land and Natural Resources' Division of Forestry and Wildlife, and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that the recreational use law, codified as chapter 520, Hawaii Revised Statutes, is an important means to allow public access to land and water areas for recreational purposes while limiting landowner's liability toward persons entering for such purposes. Your Committee further finds that, in spite of the legal protection currently afforded under chapter 520, Hawaii Revised Statutes, landowners remain reluctant to open their lands for recreational use because of the threat of lawsuits and the costs associated with those suits in the event a person gets injured on the landowner's property. Therefore, chapter 520, Hawaii Revised Statutes, needs to be clarified to better protect a landowner's liability for injuries persons receive while on the landowner's land for recreational purposes to ensure more land and water areas can be available to the public for recreational purposes. This measure will encourage more landowners to make land and water areas available to the public for recreational purposes.

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. 568 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. 283 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 645

The purpose and intent of this measure is to:

- (1) Extend the period in which a county may adopt a surcharge on state tax, under certain conditions; and
- (2) Authorize the use of county surcharge revenues for affordable and workforce housing infrastructure.

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 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 December 31, 2021, and this extra time will provide counties with an opportunity to plan for updates to transportation projects and transportation infrastructure repairs.

Your Committee has amended this measure by specifying that the ordinance to establish the surcharge on state tax shall be adopted prior to July 1, 2023.

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. 645, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 645, 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 (Riviere). Noes, none. Excused, 1 (Fevella).

SCRep. 284 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 648

The purpose and intent of this measure is to:

- (1) Specify that a government agency does not assume ownership or jurisdiction over a disputed road solely through maintenance or repair activities; and
- (2) Authorize the State to transfer ownership of roads in favor of counties by quitclaim if requested by the county.

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 Land and Natural Resources and one individual.

Your Committee finds that there are roads in Hawaii whose ownership or jurisdiction is disputed between the State and counties. Your Committee further finds that the safety of persons traveling over these so called "roads in limbo" is affected by the lack of maintenance to these roads. Your Committee also finds that neither state nor county agencies are willing to maintain these roads

because the maintenance activities may be construed as assuming ownership and jurisdiction over the disputed roads. This measure allows the state or county to maintain roads without taking on ownership responsibility.

Your Committee has amended this measure by:

- (1) Clarifying that whenever ownership of a public street, road, or highway remains in dispute between the State and the county, any action by a government agency to maintain or repair a public street, road, or highway shall not be used to establish the agency's ownership of, or jurisdiction over, the public street, road, or highway;
- (2) Specifying that the definition of "disputed public street, road, or highway" means any highway, road, alley, street, way, lane, bikeway, bridge, or trial that is open to the public for which there is a dispute over ownership and jurisdiction, as determined by the department of transportation, between the State or any of its political subdivisions and a county or a private party or between a county and a private party; and
- (3) Inserting an effective date of January 1, 2050, to encourage further discussion.

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. 648, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 648, 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. 285 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 700

The purpose and intent of this measure is to require government entities to seek reimbursement for all or a portion of search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public.

Your Committee received testimony in support of this measure from three individuals. Your Committee received comments on this measure from Department of Land and Natural Resources and the Department of Land and Natural Resources' Division of Forestry and Wildlife.

Your Committee finds 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 Committee finds that there are cases in which individuals and groups unlawfully enter 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 Committee further finds 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 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. 700, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 700, 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. 286 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1119

The purpose and intent of this measure is to:

- (1) Authorize the Governor and the mayors to establish lesser petty misdemeanor offenses and violations during emergency periods, including non-criminal infractions; and
- (2) Establish a more expeditious system for the processing of these infractions to reduce the burden on the court system.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Office of the Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, County of Maui Police Department, and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Judiciary and Hawaii Emergency Management Agency.

Your Committee finds that the global coronavirus disease 2019 (COVID-19) pandemic has created great challenges to our health, economy, and way of life. The Governor and county mayors have had to exercise their emergency powers to impose rules in an attempt to control the spread of the SARS-CoV-2 virus. The enforcement of these rules is critical to the State's efforts to control the spread of COVID-19, protect the health and safety of those in our community, manage our medical resources, and restart our economy.

Your Committee further finds that these enforcement efforts have placed a heavy burden upon the criminal justice system, which must be able to process these cases appropriately to allow for meaningful and effective enforcement. At this time there is concern that the criminal justice system is unable to handle the great number of cases being placed into the system. This measure allows the

Governor and mayor to establish lessor offenses during emergency periods so that cases can be processed in a timely and appropriate

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. 1119, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1119, 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. 287 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1190

The purpose and intent of this measure is to:

- (1) Authorize the Department of Public Safety to maintain a list of independent civil process servers; and
- (2) Allow process servers to serve specific types of legal documents.

Your Committee received testimony in support of this measure from the Department of Public Safety and Collection Law Section of the Hawaii State Bar Association.

Your Committee finds that the sunset provision in Act 101, Session Laws of Hawaii 2015, that went into effect on June 30, 2020, resulted in a repeal of numerous sections of the Hawaii Revised Statutes, which removed express language allowing process servers to serve specific types of legal documents. This measure updates and reinstates that language in order to provide clear guidelines for the limitation of authority, fee schedules, and the specific services provided by process servers who are required to be registered with the Department of Safety.

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. 1190, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1190, 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 (Riviere).

SCRep. 288 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1244

The purpose and intent of this measure is to:

- (1) Eliminate the use of monetary bail, with certain exceptions, and require defendants to be released on their own recognizance for traffic offenses, violations, non-violent petty misdemeanor offenses, and non-violent misdemeanor offenses;
- (2) Create a rebuttable presumption regarding both release and detention for certain offenses and specify circumstances in which these presumptions apply; and
- (3) Require the Judicial Council to appoint a committee to review and recommend changes to the Hawaii Penal Code.

Your Committee received testimony in support of this measure from the Hawai'i Correctional System Oversight Commission, Office of the Public Defender, Office of the Prosecuting Attorney of Kaua'i County, Community Alliance on Prisons, Imua Alliance, and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Retail Merchants of Hawaii. Your Committee received comments on this measure from the Legislative Reference Bureau and Hawaii Disability Rights Center.

Your Committee finds that there is an urgent need to comprehensively reform and modernize the State's criminal justice system. Though there have been valiant efforts during the last decade to reform the criminal justice system, these reforms have not been thorough enough to end the State's practice of mass incarceration. Your Committee further finds that in order to adequately address jail and prison overcrowding and ensure that the State's criminal justice system is effectively rehabilitating inmates, the State must also examine other aspects of the criminal justice system beyond pretrial procedures. This measure will require a committee to scrutinize the Hawaii Penal Code in a full and deliberative manner to ensure that the Code remains effective in achieving the objectives of the State's criminal justice system.

Your Committee has amended this measure by:

- (1) Removing language that would have eliminated the use of monetary bail, with certain exceptions, and required defendants to be released on their own recognizance for traffic offenses, violations, non-violent petty misdemeanor offenses, and non-violent misdemeanor offenses:
- (2) Removing language that would have created a rebuttable presumption regarding both release and detention for certain offenses and specified circumstances in which these presumptions would apply;
- (3) Restoring statutory language that requires any person charged with a criminal offense shall be bailable by sufficient sureties;
- (4) Specifying that the court is to determine whether bail may be denied where the charge is for a serious crime;

- (5) Clarifying that a rebuttable assumption arises that a person poses a serious danger to any person or community or will engage in illegal activity where the court determines that the defendant is pending trial or sentencing for a felony charge or the defendant is on probation or parole for a felony charge;
- (6) Inserting an effective date of July 1, 2025, to encourage further discussion;
- (7) Amending section 1 to reflect its amended purpose; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that this measure should be amended to specify that the request to draft proposed legislation by the Legislative Reference Bureau to effectuate the purposes of this measure be submitted to the Bureau no later than September 1, 2021.

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. 1244, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1244, 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 (Riviere).

SCRep. 289 Hawaiian Affairs on S.C.R. No. 8

The purpose and intent of this measure is to request the Hawaii State Commission on the Status of Women (Commission) to convene a task force to conduct a study on missing and murdered Native Hawaiian women and girls and to submit a report on the study to the Legislature.

Your Committee received testimony in support of this measure from the Judiciary, Department of Health, Office of Hawaiian Affairs, Hawai'i State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, Papa Ola Lokahi, Ho'ola Nā Pua, and five individuals.

Your Committee finds that missing and murdered native women is a human rights crisis that disproportionately affects indigenous peoples in the United States and Canada, notably those in Native American communities. A corresponding mass movement in the United States and Canada has worked to raise awareness of missing and native women and girls. In the United States, one in three native women is sexually assaulted during her life and sixty-seven percent of these assaults are perpetuated by non-natives.

Your Committee further finds that there are concerns about the high rate of sexual violence against Native Hawaiian women. Native Hawaiians represent the largest ethnic group among sex abuse victims and Native Hawaiian girls are over-represented among juvenile runaways. Until 2019, there was no comprehensive data on the prevalence of sex trafficking victimization among Native Hawaiians or the sex market in Hawaii. In 2019, the Commission reported that current over-representation of Native Hawaiian women and girls in sex trafficking at present may directly be linked to vulnerabilities exclusive to the Hawaiian community, such as land dispossession, exposure to sexual violence, hypersexualization, incarceration, cultural dislocation, intergenerational trauma, mental and emotional distress, racism, poverty, and ongoing inequities. Seventy-seven percent of twenty-two sex trafficking victims were Native Hawaiian and one hundred percent identified as women. Of three hundred sixty-three willing participants, twenty-seven percent of participants surveyed were identified as having been sexually trafficked, with sixty-four percent of trafficking victims trafficked before the age of eighteen.

The potential prevalence of sex trafficking, sexual exploitation, and sexual abuse of Native Hawaiians heightens concerns that Native Hawaiians, and particularly Native Hawaiian women and girls may be at a higher risk of being murdered or gone missing. More data is needed to understand and address the social and systemic contexts of violence against Native Hawaiian women and girls, including their murder or disappearance.

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 concurs with the intent and purpose of S.C.R. No. 8, as amended herein, and recommends that it be referred to your Committee on Judiciary, in the form attached hereto as S.C.R. No. 8, S.D. 1.

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

SCRep. 290 Hawaiian Affairs on S.R. No. 7

The purpose and intent of this measure is to request the Hawaii State Commission on the Status of Women (Commission) to convene a task force to conduct a study on missing and murdered Native Hawaiian women and girls and to submit a report on the study to the Legislature.

Your Committee received testimony in support of this measure from the Judiciary, Department of Health, Office of Hawaiian Affairs, Hawai'i State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, Papa Ola Lokahi, Hoʻola Nā Pua, and five individuals.

Your Committee finds that missing and murdered native women is a human rights crisis that disproportionately affects indigenous peoples in the United States and Canada, notably those in Native American communities. A corresponding mass movement in the United States and Canada has worked to raise awareness of missing and native women and girls. In the United States, one in three native women is sexually assaulted during her life and sixty-seven percent of these assaults are perpetuated by non-natives.

Your Committee further finds that there are concerns about the high rate of sexual violence against Native Hawaiian women. Native Hawaiians represent the largest ethnic group among sex abuse victims and Native Hawaiian girls are over-represented among juvenile runaways. Until 2019, there was no comprehensive data on the prevalence of sex trafficking victimization among Native Hawaiians or the sex market in Hawaii. In 2019, the Commission reported that current over-representation of Native Hawaiian women and girls in sex trafficking at present may directly be linked to vulnerabilities exclusive to the Hawaiian community, such as land dispossession, exposure to sexual violence, hypersexualization, incarceration, cultural dislocation, intergenerational trauma, mental and emotional distress, racism, poverty, and ongoing inequities. Seventy-seven percent of twenty-two sex trafficking victims were Native Hawaiian and one hundred percent identified as women. Of three hundred sixty-three willing participants, twenty-seven percent of participants surveyed were identified as having been sexually trafficked, with sixty-four percent of trafficking victims trafficked before the age of eighteen.

The potential prevalence of sex trafficking, sexual exploitation, and sexual abuse of Native Hawaiians heightens concerns that Native Hawaiians, and particularly Native Hawaiian women and girls may be at a higher risk of being murdered or gone missing. More data is needed to understand and address the social and systemic contexts of violence against Native Hawaiian women and girls, including their murder or disappearance.

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 concurs with the intent and purpose of S.R. No. 7, as amended herein, and recommends that it be referred to your Committee on Judiciary, in the form attached hereto as S.R. No. 7, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 291 Judiciary on S.B. No. 540

The purpose and intent of this measure is to:

- (1) Allow for lesser emergency period penalties to be adopted and promulgated by the Governor or a mayor; and
- (2) Authorize county prosecutors to exercise discretion with the offense charged and penalty sought for certain first-time violations of coronavirus disease 2019 (COVID-19) emergency orders incurred since March 4, 2019.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which removed language authorizing county prosecutors to exercise discretion with the offense charged and penalty sought for certain first-time violations of COVID-19 emergency orders incurred since March 4, 2019, and replaced it with language allowing for the emergency period infractions to be processed under the traffic adjudication process in chapter 291D, Hawaii Revised Statutes.

Your Committee received testimony in support of the proposed S.D.1 from the Department of the Attorney General, Office of the Public Defender, Department of the Prosecuting Attorney for the City and County of Honolulu, and thirty-two individuals. 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 Judiciary and one individual.

Your Committee finds that the COVID-19 pandemic has created great challenges in the State relating to public health and the economy. These challenges have necessitated the Governor and county mayors to exercise their emergency powers under chapter 127A, Hawaii Revised Statutes, to impose rules aimed to control the spread of COVID-19. Your Committee further finds that the enforcement of those rules is critical to efforts to protect the health and safety of the community, manage medical resources, and restart the economy. Your Committee additionally finds that allowing violations of emergency orders to be adjudicated similarly to traffic infractions will result in more meaningful and effective enforcement.

Accordingly, your Committee has amended this measure by adopting the proposed S.D.1 and further amending it by:

- (1) Clarifying that an emergency period infraction is in lieu of a violation, petty misdemeanor, or misdemeanor;
- (2) Designating "traffic infraction" and "emergency period infraction" as separate infractions under the infraction judication process and amending certain sections of chapter 291D, Hawaii Revised Statutes, accordingly;
- (3) Allowing electronic copies of notices of infractions, notices of infraction adjudication hearings, and notices of infraction judgements to be sent via email;
- (4) Granting the District Court concurrent jurisdiction over emergency period rule infractions committed by minors; 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. 540, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 540, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 292 Ways and Means on S.B. No. 1202

The purpose and intent of this measure is to make various technical amendments to chapters within the Hawaii Revised Statutes relating to fuel taxes, liquor taxes, and cigarette and tobacco taxes.

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 recognizes that the Department of Taxation recently completed a review of the Hawaii Revised Statutes chapters that are being amended by this measure. Your Committee believes that the proposed amendments will add clarity to certain state tax laws and allow for more effective administration of those laws.

Your Committee has amended this measure by:

- (1) Inserting an amendment to section 245-9, Hawaii Revised Statutes, that repeals a cross-reference to section 245-31, Hawaii Revised Statutes, which is being repealed by the measure;
- (2) Inserting a savings clause to clarify that the measure does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date;
- (3) Changing the effective date to July 1, 2021; 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. 1202, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1202, 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, 1 (Shimabukuro).

SCRep. 293 Ways and Means on S.B. No. 256

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Keahole Hotel & Suites, LLC, a Hawaii company, with planning, designing, constructing, and equipping hotel facilities at the Ellison Onizuka Kona International Airport at Keahole.

Your Committee received testimony in support of this measure from Mason Industries, LLC, and Keahole Hotel & Suites, LLC.

Your Committee received comments on this measure from the Department of Budget and Finance and Department of Transportation.

Your Committee finds that the construction of hotel facilities at Onizuka Kona International Airport is expected to contribute to the State's economy through increased taxes, job creation, business travel and tourism revenues, and patronage at nearby businesses.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 256 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, 2 (Shimabukuro, Taniguchi).

SCRep. 294 Human Services on S.B. No. 1134

The purpose and intent of this measure is to broaden the Department of Human Services' ability to protect vulnerable adults who may require intervention by Adult Protective Services.

Your Committee received testimony in support of this measure from the Department of Human Services, Executive Office on Aging, and Maui County Department of the Prosecuting Attorney.

Your Committee finds that reports of abuse against vulnerable adults continue to rise as Hawaii's population ages. Your Committee also finds that the Department of Human Services is authorized to enter premises without a warrant for purposes of investigating the abuse of vulnerable adults, pursuant to section 346-229, Hawaii Revised Statutes. Your Committee further finds that existing law limits that right of warrantless entry only to situations in which there is probable cause to believe that a vulnerable adult will be physically injured. However, your Committee also finds that abuse includes not only physical abuse, but also psychological abuse, sexual abuse, financial exploitation, caregiver neglect, or self-neglect. Accordingly, your Committee finds that to better serve vulnerable adults who may be victims of abuse, the Department's right of entry into a vulnerable adult's premises without a warrant for an investigation should extend to any type of abuse, regardless of whether there is physical injury.

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. 1134, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1134, 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. 295 Human Services on S.B. No. 1129

The purpose and intent of this measure is to add immunity from civil and criminal liability for 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 and three individuals.

Your Committee finds that there is a need to add further protections for those individuals who assist in child abuse investigations. On January 7, 2019, the federal Victims of Child Abuse Act Reauthorization Act of 2018, P.L. 115-24, was enacted, further amending the Child Abuse and Prevention and Treatment Act (CAPTA). The amendment grants immunity from civil and criminal prosecution to people who provide information or assistance to a good faith report of child abuse and/or neglect. This includes medical evaluations and professional consultations. Your Committee further finds that the language proposed in this measure does not provide immunity for individuals who provide information and assistance in bad faith. And finally, your Committee finds that this measure will bring Hawaii's CAPTA Program Improvement Plan into conformity with the federal CAPTA amendments by the required date of June 30, 2021.

Your Committee has amended this measure by:

- (1) Clarifying the effective date of June 30, 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1129, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1129, 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 (Acasio). Noes, none. Excused, none.

SCRep. 296 Human Services on S.B. No. 1128

The purpose and intent of this measure is to establish a:

- (1) Self-funded commercial enterprise vocational programs within the Office of Youth Services for young adults at risk; and
- (2) Revolving fund within the Office of Youth Services, for the receipt of income and payment of expenses generated from the commercial enterprise vocational programs.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Office of Youth Services, Department of Human Services, Kawailoa Youth and Family Wellness Center, Community Alliance on Prisons, Kūpuna for the Moʻopuna, and thirty-eight individuals.

Your Committee finds that it is critical for the State to develop early intervention strategies that are focused on diverting youth, especially native Hawaiian youth, away from the criminal justice system and toward pathways for success. Your Committee further finds that the over-representation and disparate treatment of native Hawaiians in the criminal justice system is a longstanding problem in Hawaii. Native Hawaiian youth are disproportionately represented in the juvenile justice system, and are also most frequently arrested in all offense categories. Accordingly, your Committee finds that establishing a commercial enterprise vocational program for at-risk young adults will help address this continuing problem, and that establishing a revolving fund to collect the proceeds from enterprise activities will help to self-sustain the program and provide participating opio (youths) a stable income.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 1, 2029, 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1128, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1128, 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. 297 Human Services on S.B. No. 577

The purpose and intent of this measure is to:

- (1) Amend provisions relating to criteria and procedures in family court determinations regarding custody and visitation rights;
- (2) Clarify that a parent's felony conviction for a violent or sexual offense in which the victim was a minor, or requirement to register as a sex offender, raises a rebuttable presumption that custody or visitation by that parent is not in the best interest of the child:
- (3) Require courts to consider registration as a sex offender a presumption of risk that affects the burden of producing evidence; and
- (4) Require courts to state the reasons for findings in writing or on the record, including specific findings that there is no risk to the child's health, safety, and welfare.

Your Committee received testimony in support of this measure from the Domestic Violence Action Center, Hawai'i Psychological Association, and one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that ninety-five percent of sexually abused children are abused by someone they know and trust. Your Committee also finds that seventy-three percent of child victims do not tell anyone about the abuse for at least one year, while forty-five percent do not tell anyone for five years. Some never disclose having been or being abused at all. Your Committee further finds that more restrictive standards must be established to help courts determine the best interests of children during these highly consequential custody proceedings. Accordingly, your Committee finds it is necessary, when granting custodial rights, to ensure that

no child is placed in a home where that child would be exposed to a parent with a history of violent felonies, including those for sexual offenses, family violence, or homicides, or if the parent is required to register as a sex offender. To accomplish these goals, courts must adhere to the restrictive standards set forth in this measure.

Your Committee received the testimony of the Judiciary, which pointed out that provisions regarding the nondisclosure of a certain information relating to a custodial parent and the child are overly-broad and might be construed to subject all cases to the restrictions, including cases in which neither abuse nor sexual abuse is involved.

Accordingly, your Committee has amended this measure to clarify that the nondisclosure procedures apply only when the court makes a finding of domestic abuse, violence, or sexual abuse against a parent.

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. 577, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 577, 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. 298 (Majority) Human Services on S.B. No. 821

The purpose and intent of this measure is to:

- (1) Allow a minor who has reached the age of sixteen to petition the Family Court for emancipation, and directs the court regarding investigation of the petition, appointment of legal counsel and a guardian ad litem for the petitioner, and the findings necessary to grant the petition;
- (2) Specify the rights gained by the minor upon emancipation, and authorizes the court to require the minor's parents or legal guardians to pay for any services ordered by the court; and
- (3) Require emancipation proceedings to be stayed until final disposition of the minor's child protective case under chapter 587A, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network and four individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that when a minor who has reached the age of sixteen petitions the Family Court for emancipation, the court must protect the best interests of the petitioning minor. Your Committee also finds that safeguards must be established to ensure the minor:

- (1) Is able to financially support themselves;
- (2) Understands and accepts the responsibilities they are taking on;
- (3) Is not seeking emancipation due to duress or coercion by a parent or guardian; and
- (4) Can continue to receive educational and other services intended for and needed by adolescents.

Consequently, your Committee also finds that during the investigation of the petition, the court must be prepared to appoint legal counsel and a guardian ad litem for the minor and produce the findings necessary to grant the petition.

Your Committee heard the testimony of the Department of Human Services, which opined that emancipation proceedings should not be stayed pending final disposition of a minor's child protective case under chapter 587A, Hawaii Revised Statutes, as a youth's rights should be the same as their peers and not affected because of the active status of a child protective case.

Accordingly, your Committee amended this measure by deleting language that would have stayed emancipation proceedings pending a final disposition of a minor's child protective case.

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. 821, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 821, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

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

SCRep. 299 Human Services on S.B. No. 543

The purpose and intent of this measure is to:

- (1) Create a human trafficking coordinator and program within the Department of the Attorney General;
- (2) Require the Department to report to the Legislature; and
- (3) Require the children's justice program to coordinate the investigation and care management of human trafficking cases.

Your Committee received testimony in support of this measure from the Judiciary, Department of Human Services, Department of the Attorney General, Office of the Public Defender, Honolulu Police Department, Imua Alliance, Catholic Charities of Hawai'i, Parents and Children Together, Sex Abuse Treatment Center, Ho'ola Na Pua, and seven individuals.

Your Committee finds that the commercial sexual exploitation of children is a serious problem in Hawaii and throughout the United States. Your Committee heard testimony from the Judiciary, which reported that youth in the foster care system are especially

vulnerable to becoming involved in sex trafficking, and issues regarding the commercial sexual exploitation of children in the State are increasing in prevalence in cases before the Family Court on the juvenile, domestic violence, child abuse, and other calendars.

Further, your Committee finds that 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. Accordingly, your Committee believes that to adequately serve children who have been sexually exploited, a statewide coordinator and program within the Department of the Attorney General are needed to develop and utilize comprehensive interagency case management strategies, protocols, and a multidisciplinary response that is both victim-centered and offender-focused.

Your Committee also received the testimony of the Department of the Attorney General, which stated that this measure would not require an appropriation, and the Department has already designated a deputy attorney general to begin implementing a statewide human trafficking 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 543, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 543, 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. 300 (Joint) Human Services and Health on S.B. No. 1285

The purpose and intent of this measure is to better serve the healthcare needs of members of the Compact of Free Association (COFA) community by implementing programs to bridge the cultural and language gaps between healthcare providers and COFA

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission; Hawai'i Primary Care Association; Hawai'i Friends of Civil Rights; Papa Ola Lokahi; COFA Alliance National Network; Hawai'i Coalition for Immigrant Rights; Native Hawaiian and Pacific Islander Hawaii COVID-19 Response, Recovery, and Resilience Team; Nations of Micronesia, Waipahu Safe Haven Immigrant/Migrant Center; and eleven individuals. Your Committees received comments on this measure from the Department of the Attorney General, The Queen's Health Systems, Healthcare Association of Hawaii, Hawai'i Pacific Health, and one individual.

Your Committees find that during the coronavirus disease 2019 (COVID-19) pandemic, Pacific Islander communities have been affected by COVID-19 at higher numbers than any other community of color in the State. COFA recipients have been particularly adversely impacted. Your Committees also find that many COFA recipients have experienced prejudice and discrimination in the healthcare system and no longer use medical facilities as a first option to treat illnesses, but rather as an option of last resort that often results in a much more severe prognosis than if the patient had received treatment at an earlier stage. To better serve members of the COFA community, your Committees also find that investing in programs to bridge the cultural and language gaps between healthcare providers and COFA recipients, as well as other communities with similar cultural and language barriers, will lead to more inclusion, reduced healthcare costs, and better health outcomes.

Your Committees have amended this measure by:

- (1) Clarifying which members of the COFA community are covered by this measure;
- (2) Removing the reference to "other medical facilities" so that the requirements of this measure apply only to hospitals;
- (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 Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1285, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1285, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 5. Noes, none. Excused, none.

Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 301 (Joint) Human Services and Health on S.B. No. 900

The purpose and intent of this measure is to:

- Require the Department of Human Services to collect and report data on severe maternal morbidity incidents, disaggregated by county, race, and ethnicity;
- Establish a Maternal Disparity and Health Equity Task Force to make recommendations on reducing maternal morbidity and improving maternal health outcomes for women, particularly women of color;
- Require the task force to submit an initial report to the Legislature no later than June 30, 2022, and an annual report prior to each Regular Session; and

(4) Require the Department of Human Services to develop and the Hawaii State Commission on the Status of Women to administer implicit bias training for health care professionals in perinatal facilities.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaii State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, Hawaii Children's Action Network Speaks!, AlohaCare, AF3IRM Hawaii, Hawaii Women's Coalition, Papa Ola Lokahi, Healthy Mothers Healthy Babies Coalition of Hawaii, American College of Obstetricians and Gynecologists District VIII, Hawaiii Section, and fifty individuals. Your Committees received comments on this measure from the Department of Human Services, Department of Health, The Queen's Health Systems, Healthcare Association of Hawaii, Hawaiii Pacific Health, and two individuals.

Your Committees find that each year in the United States, more than fifty thousand women suffer from complications in pregnancy or childbirth that have serious consequences for the women's short- or long-term health and that a reduction in maternal morbidity in the country is critically needed to address the multiple inequities that exist throughout health care and that maternal health is no exception. Your Committees also find that although Hawaii currently collects data on incidents of severe maternal morbidity, the data is not disaggregated by race or ethnic background, making it difficult for the State to assess and meet the specific needs of women who are Black, native Hawaiian, Samoan, and other women of color. Accordingly, your Committees find that these goals are best accomplished by requiring the Department of Human Services to collect and report severe maternal morbidity data, disaggregated by race and ethnic background, and to require bias training of health care professionals.

Your Committees have amended this measure by:

- (1) Removing the Maternal Disparity and Health Equity Task Force;
- (2) Removing the requirement for the Hawaii State Commission on the Status of Women to issue a certificate upon completion of the implicit bias training;
- (3) Amending section 1 to reflect its amended purpose;
- (4) Inserting an effective date of May 1, 2029, 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 Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 900, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 900, 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, 5. Noes, none. Excused, none. Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 302 (Majority) Transportation on S.B. No. 23

The purpose and intent of this measure is to repeal vehicle license recovery fees.

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 Department of Transportation, Avis Budget Group, and Enterprise Holdings.

Your Committee finds that vehicle license recovery fees impose an additional fee to lessees of rental vehicles. Allowing these onetime fees to be passed on to lessees is a departure from the statutory policy in favor of passing on only recurring government taxes and fees. Your Committee also finds that vehicle license recovery fees are an attempt by rental car companies to advertise low base rates but subtly increase the actual per day rental rate by greatly increasing the applicable taxes and fees passed on to lessees, which may be detrimental to the State's tourism industry.

Your Committee has amended this measure by inserting an effective date of January 1, 2050, to encourage further discussion.

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. 23, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 23, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

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

SCRep. 303 Transportation on S.B. No. 428

The purpose and intent of this measure is to specify that interference with an automated public transit vehicle, system, or service is a class C felony.

Your Committee received testimony in support of this measure from the Department of Transportation and City and County of Honolulu Department of Transportation Services. Your Committee received comments on this measure from the Department of the Attorney General and Office of the Public Defender.

Your Committee finds that existing criminal statutes governing interference with public transit vehicles do not cover automated public transit vehicles like the new Honolulu Rapid Transportation Project. Therefore, in order to modernize the State Penal Code this measure will make it a class C felony to interfere with the automated operation of a public transit vehicle.

Your Committee has amended this measure by:

- (1) Deleting language that would have included causing the delay of an automated operation of a public transit vehicle as an element of the offense;
- (2) Inserting a definition of "automated operation", per the recommendation of the Attorney General; 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 S.B. No. 428, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 428, 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. 304 Transportation on S.B. No. 432

The purpose and intent of this measure is to require the transferor and transferee of a motor vehicle to appear in person at the county Department of Motor Vehicles to execute the transfer.

Your Committee received testimony in support of this measure from the Hawaii State Association of Counties. Your Committee received testimony in opposition to this measure from the Hawaii Insurers Council; Copart, Inc.; American Property Casualty Insurance Association; and Insurance Auto Auctions, Inc. Your Committee received comments on this measure from Enterprise Holdings.

Your Committee finds that buyers and sellers of vehicles often provide false, illegible, or unusable contact information. This measure will assist the counties in keeping accurate and current records of vehicle transfers.

Your Committee has amended this measure by:

- (1) Exempting dealers and vehicles transferred as salvaged vehicles from the requirement to appear in person to transfer a vehicle title;
- (2) Inserting an effective date of January 1, 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 432, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 432, 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. 305 Transportation on S.B. No. 434

The purpose and intent of this measure is to allow the counties to require payment of outstanding charges or fees owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle.

Your Committee received testimony in support of this measure from the Hawaii County Department of Environmental Management, Maui County Department of Environmental Management, County of Kauai Police Department, Hawaii State Association of Counties, and one individual. Your Committee received comments on this measure from Enterprise Holdings.

Your Committee finds that the counties expend a great deal of resources to tow and dispose of abandoned or derelict vehicles. Exiting law only allows for the counties to charge the towing fee for these vehicles to the registered owners, and only when the vehicles are claimed. Frequently, these abandoned or derelict vehicles are not claimed, leaving the counties with no recourse to recoup their costs. This measure will provide counties the ability to recoup costs for towing and disposing of abandoned and derelict vehicles.

Your Committee has amended this measure by providing an exemption for registered owners who have had their vehicle taken without their permission or authorization and who have filed a police report.

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. 434, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 434, 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. 306 Transportation on S.B. No. 1011

The purpose and intent of this measure is to appropriate funds to the Department of Transportation to widen Queen Kaahumanu Highway and Kuakini Highway on the island of Hawaii.

Your Committee received testimony in support of this measure from the Department of Transportation, one member of the Hawai'i County Council, and four individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the rapidly growing population in west Hawaii has contributed to consistent vehicle traffic on Queen Kaahumanu Highway and Kuakini Highway. The intersection where these highways merge is a critical lifeline for south Kona residents and is often compromised by excessive traffic. This measure appropriates funds to widen these highways to alleviate the traffic congestion.

Your Committee has amended this measure by inserting a blank appropriation amount.

Your Committee requests that if this measure advances, your Committee on Ways and Means continue the conversation and determine the appropriate appropriation amount for the projects proposed by 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 S.B. No. 1011, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1011, 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. 307 Water and Land on S.B. No. 800

The purpose and intent of this measure is to:

- (1) Remove county councils as the nominating authority for members of the Hawaii Community Development Authority who serve as representatives of the Heeia, Kalaeloa, and Kakaako community development districts; and
- (2) Provide that the President of the Senate and the Speaker of the House of Representatives shall each nominate representatives of each of the three community development districts.

Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that under existing law, the Honolulu City Council nominates individuals to be appointed by the Governor to represent the Heeia, Kalaeloa, and Kakaako community development districts on the Hawaii Community Development Authority. Your Committee believes that given the important responsibility of guiding the long-range planning and implementation of improved community development programs in their represented districts, it is important to address any community concerns and clarify the nomination process for these nominated individuals.

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. 800 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. 308 Water and Land on S.B. No. 962

The purpose and intent of this measure is to:

- Transfer operational authority of the Makai Research Pier (Pier) located at the southeast corner of Oahu to the Natural Energy Laboratory of Hawaii Authority (NELHA); and
- (2) Authorize the Director of Finance to issue general obligation bonds for the NELHA to repair and upgrade the Pier.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; University of Hawai'i System; Makai Ocean Engineering, Inc.; Sea Engineering, Inc.; and one individual. Your Committee received comments on this measure from the Natural Energy Laboratory of Hawaii Authority.

Your Committee finds that the Pier enables local ocean technology companies to create high-paying, highly skilled professional jobs and to expand and diversify Hawaii's economy. According to testimony received by your Committee, this measure would not only allow the Pier to remain operational, but also allow its tenants to continue to compete and win against mainland peers in the award of high-quality federal research and development projects. Your Committee further finds that the current leases of the Pier should be grandfathered in the transfer of authority over the Pier to NELHA.

Your Committee has amended this measure by:

- (1) Inserting language to transfer the current leases of the Pier to NELHA; 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. 962, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 962, 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. 309 Human Services on S.B. No. 1142

The purpose and intent of this measure is to improve the Kupuna Caregivers Program by providing additional options for caregivers to support their loved ones, especially during the hardship placed on families during the coronavirus disease 2019 (COVID-19) pandemic.

Your Committee received testimony in support of this measure from the Executive Office on Aging, Department of Health, Policy Advisory Board for Elder Affairs, AARP Hawaii, Adult Day Centers Hawaii, Alzheimer's Association, Faith Action for Community Equity, and thirteen individuals.

Your Committee finds that in 2017 the legislature established the kupuna caregivers program in the executive office on aging to focus on working caregivers and provide assistance to enable them to remain in the workforce. Your Committee also finds that the hardships imposed on families during the COVID-19 pandemic require some flexibility in the Kupuna Caregivers Program. Accordingly, your Committee finds that to meet kupuna caregivers' needs during this health crisis, the work eligibility requirement during a governor-proclaimed state of emergency must be refined; Kupuna Caregiver-Directed services should be added as an option; and a financial management service provider who is responsible for financial payments on behalf of participants enrolled in the Kupuna Caregiver-Directed program should also be added to the program.

Your Committee has amended this measure by:

- Removing unemployed qualified caregivers from inclusion in the kupuna care and caregivers support services work eligibility program, during a governor-proclaimed state of emergency;
- (2) Inserting an effective date of May 1, 2029; 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1142, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1142, 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. 310 Ways and Means on S.B. No. 224

The purpose and intent of this measure is to facilitate the ability of students to enroll in public school career and technical education programs.

Specifically, this measure requires public schools to enroll all high school students, including those who reside outside the school's service area, who submit a timely application, subject to the capacity of the program.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association and one individual

Your Committee received comments on this measure from the Department of Education.

Your Committee finds that, according to projections made by the Department of Labor and Industrial Relations, nearly three-quarters of projected job openings through the year 2022 will require a high school diploma or less. Increasing access to career and technical education will help to provide high school graduates not attending college with industry-based skills and certifications sought by many employers.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 224 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Inouye).

SCRep. 311 Ways and Means on S.B. No. 242

The purpose and intent of this measure is to increase the offering of computer science education in Department of Education schools.

More specifically, this measure:

- (1) Establishes the computer science special fund to be administered by the Department of Education for the provision of computer science grants to eligible entities;
- (2) Requires that the Department of Education submit to the Board of Education and Legislature an annual report regarding the computer science special fund;
- (3) Establishes a timeline for elementary, middle, and intermediate schools to offer computer science courses or content;
- (4) Requires that the Superintendent of Education submit to the Board of Education and Legislature annual reports of the computer science courses and content offered during the preceding school year; and
- (5) Requires that, beginning with the 2024-2025 school year, each public charter school serving elementary, middle, intermediate, or high school students offers computer science courses or content at a certain frequency.

Your Committee received written comments in support of this measure from Code.org, HawaiiKidsCAN, Microsoft Corporation, TechNet, and three individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance and Department of Education.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic has exemplified and catalyzed the global shift towards a digital economy and increased the public's reliance on digital technology for basic tasks. Accordingly, your Committee believes that it is important to ensure that elementary, middle, intermediate, and high school students throughout the State are prepared for an increasingly digital world.

Your Committee has amended this measure by:

- (1) Clarifying the Superintendent of Education's annual reporting requirements; 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. 242, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 242, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Inouye).

SCRep. 312 Ways and Means on S.B. No. 518

The purpose and intent of this measure is to raise awareness of and provide training on addressing child sexual abuse.

Specifically, the measure:

- (1) Requires the Department of Education to establish a sexual abuse prevention education program that shall be implemented beginning with the 2021-2022 school year;
- (2) Requires the Board of Education to adopt policies to effectuate the sexual abuse prevention education program;
- (3) Requires the Department of Education to submit reports to the Legislature; and
- (4) Appropriates funds for the program.

Your Committee received written comments in support of this measure from the Office of the Prosecuting Attorney of the County of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Hawaii State Teachers Association, Imua Alliance, Education Caucus of the Democratic Party of Hawaii, Women's Caucus of the Democratic Party of Hawaii, Parents and Children Together, Hawaii Youth Services Network, Sex Abuse Treatment Center, and six individuals.

The Department of Education submitted written comments on the measure.

Your Committee finds that requiring the implementation of a program of regular, consistent sexual abuse prevention education for students, parents, teachers, and staff at public and charter schools will help to address the serious and ongoing threat of child sexual abuse in the State.

Your Committee has amended this measure by:

- (1) Clarifying a reference to Title IX of the federal Education Amendments of 1972, 20 United States Code section 1621 et seq.; 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. 518, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 518, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Inouye).

SCRep. 313 Ways and Means on S.B. No. 807

The purpose and intent of this measure is to increase transparency and accountability in the State's public school system.

Specifically, this measure requires:

- (1) Each school's academic and financial plan to include a clear accounting of all resources that will be allocated to address and achieve each measurable outcome, the school's priority improvement strategies and measures to determine progress, and certain assessment scores; and
- (2) The Department of Education to submit an annual report on the academic and financial plan of each school, grouped by complex area, to the Legislature and the Board of Education.

Your Committee received written comments in support of this measure from He'e Coalition and one individual.

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

Your Committee finds that this measure promotes transparency and accountability by requiring the Department of Education and its schools to connect the expenditure of financial resources to student outcomes. Your Committee further finds that the information required to be reported under this measure will enable communities to see how schools are strategically using their resources to maximize positive impacts for students.

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. 807, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 807, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Inouye).

SCRep. 314 Health on S.B. No. 134

The purpose and intent of this measure is to prohibit the Governor or the mayors from suspending requests for public or vital statistics records during a declared state of emergency.

Your Committee received testimony in support of this measure from the Civil Beat Law Center for the Public Interest, Society of Professional Journalists Hawaii Chapter, All Hawaii News, League of Women Voters, Big Island Press Club, and two individuals. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that existing law allows the Governor or a mayor to suspend requests for public or vital statistics records during a declared state of emergency. Your Committee further finds that during the coronavirus disease 2019 (COVID-19) pandemic, the Governor suspended the Uniform Information Practices Act (UIPA) in its entirety for two and a half months, and that the deadlines under the UIPA have been suspended indefinitely. Your Committee acknowledges that while it is important for the Governor and the counties to have flexible and broad emergency powers during extended emergencies such as the COVID-19 pandemic, guardrails must exist to prevent the overreach of those powers. This measure prohibits the Governor or a mayor from suspending requests for public or vital statistics records during a declared state of emergency.

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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 134, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 134, 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. 315 (Joint) Health and Human Services on S.B. No. 283

The purpose and intent of this measure is to:

- (1) Require Medicaid and insurance coverage of ambulance services;
- (2) Authorize Medicaid programs, and require private insurers, to pay for community paramedicine services provided by emergency medical technicians or paramedics; and
- (3) Appropriate monies for costs resulting from Medicaid coverage of ambulance service and community paramedicine services provided by emergency medical technicians or paramedics.

Your Committees received testimony in support of this measure from Hawaii Medical Service Association, Kaiser Permanente Hawaii, American Medical Response, and four individuals. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Health, and Department of Human Services.

Your Committees find that community paramedicine programs can help address a few important issues in healthcare, such as improving access to primary and preventive care, ensuring that services are triaged appropriately, and alleviating the overburdened hospital emergency department. This measure mandates Medicaid and insurance coverage of ambulance and community paramedicine services.

Your Committees heard the testimony of the Department of Commerce and Consumer Affairs, which noted that a measure that mandates health insurance coverage for specific health services requires the Auditor to prepare and submit a report to the Legislature that assesses both the social and financial effects of the proposed mandated coverage.

Therefore, your Committees have amended this measure by:

- (1) Requiring the Auditor to prepare a report that assesses the social and financial effects of mandating coverage of ambulance and community paramedicine services; 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 Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 283, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 283, S.D. 1, and be referred to your Committees on Ways and Means and Commerce and Consumer Protection.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

Human Services: Ayes, 5. Noes, none. Excused, none.

SCRep. 316 (Majority) Health on S.B. No. 839

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;
- Authorize psychiatric mental health nurse practitioners, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient;

- (3) Reduce the mandatory waiting period between oral requests from twenty days to fifteen days; and
- (4) Waive the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period.

Your Committee received testimony in support of this measure from Hawai'i Psychological Association, Compassion & Choices, Hawaii Society of Clinical Oncology, Hawaiian Islands Association for Marriage and Family Therapy, Hawai'i Association of Professional Nurses, Hawai'i – American Nurses Association, National Association of Social Workers, and forty-nine individuals. Your Committee received testimony in opposition to this measure from Hawaii Family Forum, Hawaii Professionals for Appropriate and Compassionate Care, and seven individuals. Your Committee received comments on this measure from the Board of Nursing and Hawai'i State Center for Nursing.

Your Committee finds that the Our Care, Our Choice Act (OCOCA) allows terminally ill individuals to request and receive prescription medication that allows them to pass away in a peaceful, humane, and dignified manner. Your Committee further finds that since the OCOCA was enacted, the Department of Health solicited input from the medical community on the law's implementation. This process has revealed that a shortage of physician on the neighbor islands unintentionally created barriers and burdens in care. This measure amends the OCOCA to ease those barriers while maintaining the safeguards intended to protect patients. Your Committee heard the testimony of the Board of Nursing, which noted that the measure as written excludes clinical nurse specialists who specialize in adult psychiatric mental health from providing care.

Therefore, your Committee has amended this measure by:

- (1) Amending the definition of "counseling" to include consultations from clinical nurse specialists;
- (2) Amending section 1 of the measure 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 839, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 839, S.D. 1, and be referred to your Committee on Judiciary.

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

SCRep. 317 Health on S.B. No. 1144

The purpose and intent of this measure is to increase the marriage license fee to fund the Hawaii Birth Defects Program, modernization of the vital statistics system, and operating costs of marriage license agents.

Your Committee received testimony in support of this measure from the Department of Health and one individual. Your Committee received testimony in opposition to this measure from the Domestic Violence Action Center

Your Committee finds that the State's marriage license fee is used, in part, to support the Hawaii Birth Defects Program and the Spouse and Child Abuse Special Fund. Your Committee further finds that no part of the marriage license fee is used to update the vital statistics computer system that maintains the State's records of marriage license issuance and registration. Your Committee finds that this measure increases the fee amount for marriage licenses, thereby increasing funding to these causes. The funds will also be used to update the vital statistics system, which is aging and could be more efficient in processing request, especially with the increased demands for records to comply with REAL ID Act standards. Your Committee recognizes the testimony of the Domestic Violence Action Center, which expressed concerns that adding more programs to receive distributions from marriage license fees could reduce the amount received by the Spouse and Child Abuse Special Fund.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a blank amount for the new marriage license fees;
- (2) Inserting blank amounts for the distribution of marriage license fees;
- (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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1144, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1144, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

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

SCRep. 318 (Majority) Health on S.B. No. 1155

The purpose and intent of this measure is to authorize the issuance of licenses to persons of a secular or non-religious organization to solemnize marriages.

Your Committee received testimony in support of this measure from the Department of Health, LGBT Caucus of the Democratic Party of Hawai'i, and four individuals.

Your Committee finds that this measure allows non-religiously affiliated persons to officiate marriage and civil union ceremonies. Your Committee also finds that this measure acknowledges the diversity of perspectives in the State without diminishing the customs

and rights of other traditions. Finally, your Committee finds that the term "civil celebrant", which means "person of a secular or non-religious organization who performs marriage ceremonies" is circularly defined in this measure.

Therefore, your Committee has amended this measure by:

- (1) Amending the definition of "civil celebrant" to mean "a person of a secular or non-religious organization who has received the consent of the parties to be married"; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1155, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1155, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

Signed by the Chair on behalf of the Committee.

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

SCRep. 319 Health on S.B. No. 1191

The purpose and intent of this measure is to update chapter 329, Hawaii Revised Statutes, to clarify that advance practice registered nurses, pharmacists, authorized staff of the MedQuest program, and certain employees of the United States Department of Veterans Affairs may access information stored in the electronic prescription accountability system.

Your Committee received testimony in support of this measure from the Department of Health and Department of Public Safety.

Your Committee finds that this measure aligns with and supports the goals of the Hawaii Opioid Initiative to combat the national opioid crisis as well as assist the federal government in its initiative to provide veterans with more health care options.

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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1191, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1191, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 320 (Joint/Majority) Health and Human Services on S.B. No. 1230

The purpose and intent of this measure is to provide flexibility to deploy statewide language access programs and resources.

Your Committees received testimony in opposition to this measure from the County of Hawai'i Department of Research and Development, Hawai'i Friends of Civil Rights, Catholic Charities Hawai'i, and four individuals. Your Committees received comments on this measure from the Department of Health, Department of Human Services, Hawaii State Council on Developmental Disabilities, Office of Language Access, Language Access Advisory Council, and Hawai'i Coalition for Immigrant Rights.

Your Committees find that the Governor's executive biennium budget proposed the elimination of the Office of Language Access (OLA) within the Department of Health. Your Committees recognize the State's dire financial situation caused by the coronavirus disease 2019 pandemic. This measure aims to provide flexibility to the State by making OLA optional instead of mandatory.

Your Committees also heard testimony from multiple stakeholders emphasizing the importance of OLA. Therefore, your Committees have amended this measure by:

- (1) Deleting the amendments that proposed making OLA optional instead of mandatory;
- (2) Amending the measure to allow either the Department of Health or the Executive Director of OLA to carry out OLA's duties; and
- (3) 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 Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1230, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1230, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

Human Services: Ayes, 4; Ayes with Reservations (Acasio, Ihara). Noes, 1 (Misalucha). Excused, none.

SCRep. 321 (Majority) Health on S.B. No. 1340

The purpose and intent of this measure is to enable the Hawaii Medical Board to certify emergency medical responders other than emergency ambulance service personnel.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from American Medical Response, Paradise Medical Services, and four individuals. Your Committee received comments on this measure from the Department of Health and Hawaii Medical Board.

Your Committee finds that this measure will allow the Hawaii Medical Board to certify emergency medical responders other than emergency ambulance service personnel, such as firefighters, ocean safety lifeguards, and police officers. Your Committee finds that

this measure warrants further discussion. Therefore, 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1340, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1340, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 322 Education on S.B. No. 467

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

- (1) 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; and
- (3) Submit a report to the Legislature on implementing open forums.

Your Committee received testimony in support of this measure from the Americans for Democratic Action, League of Women Voters, and one individual. Your Committee received comments on this measure from the Board of Education, Office of Information Practices, and Civil Beat Law Center for the Public Interest.

Your Committee finds that community meetings held by the Board of Education improve the public's access to the Board and allows the public to provide more information to help the Board with decision-making and priority setting. Your Committee further finds that providing greater access to the Board of Education will improve transparency and access to information thereby encouraging an informed and engaged community of citizens. This measure seeks to increase communication between the community—at—large and the Board of Education.

Your Committee has amended this measure by:

- (1) Adopting the recommendations of the Board of Education and requiring the Board of Education to provide written public notice of their forums that shall be open to the public for attendance and to submit data, views, or argument; 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. 467, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 467, 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. 323 Education on S.B. No. 814

The purpose and intent of this measure is to:

- (1) Clarify the process for applicants to submit a letter of intent to apply to open and operate a charter school; and
- (2) Provide for penalties for authorizers who fail to timely comply with the Board of Education's decisions.

Your Committee received testimony in support of this measure from the Kulia Academy and one individual. Your Committee received comments on this measure from the State Public Charter School Commission and Maui Hui Malama.

Your Committee finds that charter school processes for new school applicants, contract renewals, and contract negotiation are inconsistent, difficult to navigate, and lack transparency. This measure will allow applicants to cure any deficiencies with their application rather than be automatically denied for nonsubstantive reasons and streamlines the charter school application process so that approval will be easier to obtain.

Your Committee has amended this measure by:

- (1) Incorporating changes recommended by the State Public Charter School Commission by removing language relating to the letter of intent 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 Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 814, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 814, 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. 324 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 149

The purpose and intent of this measure is to:

- (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) 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";
- (4) Require the State to prove that owners consented to or possessed knowledge of the crime that led to the seizure of their property;
- (5) 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;
- (6) Direct any proceeds from a civil forfeiture to the general revenue fund for public education purposes; and
- (7) Repeal administrative forfeiture proceedings.

Your Committee received testimony in support of this measure from the Office of the Public Defender, American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, Drug Policy Forum of Hawai'i, Common Cause Hawaii, Young Progressives Demanding Action, and ten individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department and one individual. Your Committee received comments on this measure from the Department of Public Safety, Department of Education, and Office of Hawaiian Affairs.

Your Committee finds that civil asset forfeiture laws are controversial and have been evolving throughout the country over the twenty years since Hawaii passed the Omnibus Criminal Forfeiture Act, which provides for civil asset forfeiture. Hawaii's process allows law enforcement agencies to seize and keep property based on suspicion that the property is connected to criminal activity. Property, such as vehicles, houses, cash, and jewelry, can be taken without the property owner having been convicted of a crime or even being formally accused of one, leaving innocent citizens deprived of personal property. This measure will make the civil forfeiture process fairer to Hawaii citizens by eliminating financial incentives for law enforcement to seize and keep forfeited property and imposing stricter restrictions on the civil forfeiture process.

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. 149 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. 325 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 513

The purpose and intent of this measure is to:

- (1) Increase the fireworks display permit fee from \$110 to \$150 and the fine for certain fireworks violations from \$2,000 per violation to \$5,000 per violation;
- (2) Clarify that each aerial device, display firework, or article pyrotechnic having a total weight of twenty-five pounds or less that is illegally imported, transferred, or sold constitutes a separate violation;
- (3) Increase the penalty for removing or extracting the pyrotechnic contents;
- (4) Require the Attorney General to establish an explosion detection technology working group;
- (5) Require the Department of Public Safety to develop and implement a web-based fireworks reporting tool;
- (6) Authorize the Sheriff Division to enforce the fireworks control law; and
- (7) Appropriate funds.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council, Honolulu Fire Department, 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 Public Safety.

Your Committee finds that the people of the State deserve to live in peace and security, without the public safety risks, health hazards, and traumatic impacts of illegal fireworks use. Your Committee also finds that Act 170, Session Laws of Hawaii 2010, established an Illegal Fireworks Task Force to develop strategies and make recommendations to the Legislature to address the illegal importation and use of fireworks in the State. Among other matters, the Illegal Fireworks Task Force recommended that the Legislature consider increasing fireworks permit fees and violation fines to deter the use of illegal fireworks, decrease the supply of illegal fireworks in the State, and increase funding for prevention and enforcement efforts. This measure adopts the recommendations of the Illegal Fireworks Task Force by increasing penalties and fines to deter the illegal use of fireworks.

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. 513 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. 326 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 758

The purpose and intent of this measure is to:

(1) Increase from three grams to one ounce the minimum amount of marijuana that a defendant must possess to be charged with a petty misdemeanor; and

(2) Increase from three grams to one ounce the maximum amount of marijuana that a defendant convicted of possessing marijuana could have possessed without being disqualified from the subsequent expungement of the record of that conviction.

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, Drug Policy Forum of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Imua Alliance, Democratic Party of Hawai'i Education Caucus, and four individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Honolulu Police Department, Department of the Prosecuting Attorney of the City and County of Honolulu, and Maui Police Department. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that fifteen states and the District of Columbia have legalized the recreational use of marijuana by adults, and that others are in the process of considering legalization. Your Committee further finds that legalization in these states has avoided the criminalization of thousands of people, reduced opioid overdose deaths and untreated opioid use disorders, and lowered the number of arrests for driving under the influence of alcohol and other drugs. Your Committee additionally finds that recent polling indicates broad public support in Hawaii for the legalization of marijuana. This measure decriminalizes the possession of small amounts of marijuana.

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. 758 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. 327 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 818

The purpose and intent of this measure is to:

- (1) Require counties to establish expedited procedures to approve demolition permits for vacant and abandoned residential homes;
- (2) Allow the Department of Taxation to seek sale of the property through nonjudicial foreclosure of vacant and abandoned residential properties with outstanding recorded state tax liens at any time after establishing vacancy and abandonment.

Your Committee received comments on this measure from the Department of Taxation, City and County of Honolulu Department of Planning and Permitting, and Tax Foundation of Hawaii.

Your Committee finds that abandoned residential properties can impose significant costs on the community and become public safety hazards and magnets for criminal activity. Your Committee further finds that it is in the public's interest to encourage the use of residential properties and reduce the number of vacant and abandoned homes in the State. This measure will reduce the potential hazards associated with vacant and abandoned residential properties and ensure that they are promptly removed from Hawaii communities.

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. 818 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. 328 (Joint) Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment on S.B. No. 175

The purpose and intent of this measure is to exempt certain liquor license applications from the automatic refusal provision that may be invoked by a majority of nearby voters or real estate owners; specifically, applications for a class 1 license on land designated as agricultural by state or county zoning laws and for which the majority of the agricultural commodities used in the manufacturing of the liquor are grown and produced in the State by the license holder.

Your Committees received testimony in support of this measure from LBD Coffee, LLC and Lanikai Brewing Company.

Your Committees find that there is a desire to grow and produce agricultural products for the manufacturing of liquor. However, your Committees further find 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 Committees believe 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.

Your Committees have amended this measure by:

- (1) Exempting applications for a class 18 license, in addition to class 1 licenses, on land designated as agricultural by state or county zoning laws and for which the majority of the agricultural commodities used in the manufacturing of the liquor are grown and produced in the State by the license holder; 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 Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 175, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 175, 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, 4. Noes, none. Excused, 1 (English).

Agriculture and Environment: Ayes, 5; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 329 (Joint/Majority) Water and Land and Agriculture and Environment on S.B. No. 226

The purpose and intent of this measure is to:

- (1) Allow the Governor to negotiate land exchanges to acquire lands suitable for long-term diversified agricultural production in return for state lands to be developed for affordable, workforce, and other housing; and
- (2) Require the Governor to report to the Legislature any potential or negotiated land exchanges for final legislative approval.

Your Committees received testimony in support of this measure from the Hawai'i Farm Bureau, Agribusiness Development Corporation, Ulupono Initiative, and one individual. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources. Your Committees received comments on this measure from the Office of Planning and Office of Hawaiian Affairs.

Your Committees find that this measure provides the State with opportunities to negotiate mutually beneficial land exchanges with private landowners to reach its goals of food security and sustainability.

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. 226 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, 5. Noes, none. Excused, none.

Agriculture and Environment: Ayes, 4; Ayes with Reservations (Rhoads, Fevella). Noes, 1 (Acasio). Excused, none.

SCRep. 330 (Joint/Majority) Water and Land and Agriculture and Environment on S.B. No. 367

The purpose and intent of this measure is to waive the requirement for Section 401 Water Quality Certification for any applicant that has received a notice of authorization to proceed from the Department of Land and Natural Resources, Office of Conservation and Coastal Lands under its small-scale beach restoration program.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Health, and Hawai'i Shore and Beach Preservation Association.

Your Committees find that waiving the requirement of water quality certification for small-scale beach restoration projects will result in the efficient administration of site-specific water pollution control and more practical and realistic erosion control alternatives to the deleterious practice of coastal armoring. Your Committees further find that the intent of this measure is not to undermine provisions of the Federal Clean Water Act. According to testimony received by your Committees, the Department of Land and Natural Resources will enforce permit conditions that are consistent with Section 401 of the Federal Clean Water Act pertaining to beach restoration and water quality protection.

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 Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 367, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 367, 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, 1 (Fevella). Excused, none.

Agriculture and Environment: Ayes, 3. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 331 Water and Land on S.B. No. 1173

The purpose and intent of this measure is to:

- (1) Establish the ocean stewardship special fund for the collection and use of moneys for the conservation, restoration, and enhancement of the State's marine resources; and
- (2) Authorize the Department of Land and Natural Resources to collect non-resident fees for the use and enjoyment of the State's ocean resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, University of Hawai'i Sea Grant College Program, Kua'āina Ulu 'Auamo, Kauhako Ohana Association, The Nature Conservancy, Friends of Hanauma Bay, Hawaii Reef and Ocean Coalition, and five individuals. Your Committee received testimony in opposition to this measure from the Ocean Tourism Coalition, Banyan Tree Divers Maui, Extended Horizons Scuba, Teralani Sailing Charters, Mike Severns Diving, Atlantis Adventures, Dive Maui, Hawaiian Rafting Adventures, Jack's Diving Locker, and four individuals.

Your Committee finds that this measure would create a sustainable source of funding for the Department of Land and Natural Resources to further the management, research, restoration, and enhancement of marine resources 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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1173, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1173, 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. 332 (Joint) Agriculture and Environment and Water and Land on S.B. No. 340

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, to ensure:

- (1) Farm dwellings on agricultural lands are accessories to a farm, or where the agricultural activities provide income of no less than \$10,000 per year to the family occupying the dwelling, and verified by general excise tax return filing or agricultural tax dedication;
- (2) Structures on subdivided leasehold subdivisions of agricultural land are subject to county enforcement authority; and
- (3) Applications for registration of condominium property regimes of agricultural land include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, other requirements pursuant to county ordinances and rule, and the developer's public report pursuant to section 514B-52, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Agriculture, Department of Commerce and Consumer Affairs Real Estate Commission, Office of Planning, one member of the County Council of Maui, City and County of Honolulu Department of Planning and Permitting, Hawai'i Farm Bureau, Ulupono Initiative LLC, and three individuals.

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.

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. In addition, this measure allows meaningful county input in the condominium property regime process involving agricultural lands to ensure availability of necessary supportive infrastructure and identify and mitigate any potential negative impacts to environmentally or culturally significant resources.

Your Committees discussed allowing small scale farmers to retain the right to have small dwellings for farmer or farmhands live close to their crops, consistent with traditional farming and a way to reduce crime that happens on farmlands. Your Committees considered allowing for small dwellings not more than five hundred square feet, including trailers and campers to be permitted to be constructed on the leased area. Your Committees find that this issue raises concerns that merit further consideration and requests that your Committee on Commerce and Consumer Protection further examine those issues and concerns raised on this measure.

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. 340 and recommend that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

Water and Land: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 333 (Joint/Majority) Agriculture and Environment and Water and Land on S.B. No. 997

The purpose and intent of this measure is to allow county governments to have the ability to enter into private-public partnerships for services and transfer wastewater treatment facility management and operation responsibilities to private entities.

Your Committees received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i, Council Chair of the County of Maui, one councilmember from the Hawai'i County Council, County of Hawai'i Department of Environmental Management, Ulupono Initiative LLC, and one individual. Your Committees received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; United Public Workers, AFSCME Local 646, AFL-CIO; and two individuals. Your Committees received comments on this measure from the Department of the Attorney General, Department of Budget and Finance, and Department of Taxation.

Your Committees find that the counties are facing the critical need to invest in costly upgrades of its aging wastewater infrastructure, under time sensitive legal conditions with limited available financial resources and must focus current environmental management practices toward a modern resource recovery model. Current wastewater systems throughout the State are outdated and require major upgrades and the replacement of entire facilities. Estimated costs for these systems are in excess of \$500,000,000 in capital improvement project funds and \$1,000,000,000 in resource recovery systems funding.

For these reasons, Hawaii's wastewater treatment systems will require state-of-the-art facilities that private entities, through their experience in resource recovery services, technological expertise, and economies of scale, can provide more economically and effectively than county governments.

Your Committees further find that throughout Hawaii, county wastewater treatment departments seek to explore public-private partnerships allowed under section 323F-7.6, Hawaii Revised Statutes, including undertaking formal solicitation efforts to gauge the interest of potential private partners both on a local and national level. However, in *Konno v. County of Hawaii*, 937 P.2d 397 (1997), the Hawaii Supreme Court held that public landfill worker positions were "civil service" positions governed by merit principles and thus Hawaii County violated civil service statutes and article XVI, section 1, of the Hawaii State Constitution when it privatized its landfill operations. This holding has limited counties in their ability to establish effective business models that would create resource recovery systems that are regulatory compliant, and environmentally and financially sound.

Your Committees also find that potential partners are hesitant to work with the counties in evaluating opportunities for the delivery and operation systems for wastewater resource recovery without enabling legislation that would address logistical and structural issues related to these systems for wastewater resource recovery. Therefore, this measure seeks to enable county governments to establish public-private partnerships that would create resource recovery systems that are regulatory compliant, and environmentally and financially sound, and provide protection of workers and affords them the right to fair and just wages and benefits.

Your Committees have heard the concerns that this measure would subsidize or otherwise encourage the sale or lease of public infrastructure to private investors or subsidize or otherwise encourage public-private partnerships that will result in private control or operation of public assets.

Your Committees have amended this measure by:

- (1) Placing the new part in chapter 46, Hawaii Revised Statutes, relating to county organization and administration, rather than chapter 340B, Hawaii Revised Statutes, relating to wastewater treatment personnel;
- (2) Defining "full scale resource recovery facilities";
- (3) Providing that the "transferred facility" means a wastewater treatment facility within the State for which the right and responsibility to design, construct, manage, operate, and otherwise provide wastewater treatment services at the facility to be transferred to the private entity or its nonprofit management entity;
- (4) Deleting language that would have required agreements negotiated by the counties and entered into by the private entity and the counties to include provisions and deadlines for conducting and completing due diligence, because due diligence occurs before an agreement is entered for a transaction of this nature and is not therefore addressed in the same agreement of the transfer itself;
- (5) Clarifying what items over which the county will retain administrative oversight;
- (6) Deleting references to Act 262, Session Laws of Hawaii 1996;
- (7) Stating that licensing and accreditation requirements shall apply to the private entity's wastewater operators, not the entity itself:
- (8) Adding additional requirements to expand the submission of tax clearances from the Director of Taxation;
- (9) Providing that the Department of Taxation has authority to mandate the electronic filing of the tax clearance application;
- (10) Establishing annual auditing and reporting, disclosure of revenue projections, and internal performance audit requirements;
- (11) Deleting language that would have required an alteration to a collective bargaining agreement that intrudes beyond the county's jurisdiction to only be effective upon consent of the other jurisdiction;
- (12) Revising the definition of "resource recovery facility" in chapter 340A, Hawaii Revised Statutes, to explicitly encompass other resources the county desires to recover, such as water and gas;
- (13) Removing unintended references to the Hawaiian Health Services Corporation; 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 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. 997, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 997, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4; Ayes with Reservations (Acasio, Fevella). Noes, 1 (Rhoads). Excused, none.

Water and Land: Ayes, 4; Ayes with Reservations (Misalucha). Noes, 1 (Fevella). Excused, none.

SCRep. 334 (Joint/Majority) Agriculture and Environment and Water and Land on S.B. No. 1313

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

- (1) Department of Agriculture to allow for the permitted importation of northern largemouth bass and butterfly peacock bass into Hawaii; and
- (2) Department of Land and Natural Resources' Division of Aquatic Resources to establish a pilot project to restock the Wahiawa public fishing area with northern largemouth bass, butterfly peacock bass, or both.

Your Committees received testimony in support of this measure from Animal Rights Hawai^{*}i, Hawaii Freshwater Fishing Association, Wahiawa Community Based Development Organization, 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 Agriculture and the Department of Land and Natural Resources.

Your Committees find that the northern largemouth bass has existed in the State's artificial reservoirs since 1896, and butterfly peacock bass have existed since 1957. Your Committees find that attempts to import largemouth bass into the State to improve the fishing stock have faced regulator restrictions. Thus, this measure seeks to streamline the process to import live northern largemouth bass and butterfly peacock bass to enhance and support the pre-existing populations for continued recreational fishing.

Your Committees have heard the testimony of the Department of Land and Natural Resources expressing concerns that it is not able to undertake the establishment of the pilot project to restock the Wahiawa public fishing area because it does not have the fiscal resources to undertake this project. The Department provided that the biologist position that manages the Wahiawa reservoir activities has been frozen due to budget restrictions, causing a lack of capacity to expand operations at the reservoir. Your Committees find that this issue raises concerns that merit further consideration and request that your Committees on Judiciary and Ways and Means further examine those issues and concerns raised by the Department of Land and Natural Resources on this measure.

Your Committees have amended this measure by:

- (1) Clarifying that the Department of Agriculture shall only issue permits to the Department of Land and Natural Resources for the importation of the northern largemouth bass and butterfly peacock bass into Hawaii; and
- (2) 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 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. 1313, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1313, 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; Ayes with Reservations (Acasio, Nishihara, Rhoads). Noes, 1 (Fevella). Excused, none.

Water and Land: Ayes, 4; Ayes with Reservations (Misalucha, Riviere). Noes, 1 (Fevella). Excused, none.

SCRep. 335 Transportation on S.B. No. 376

The purpose and intent of this measure is to prohibit the use, sale, alteration, or installation of loud motor vehicle mufflers.

Your Committee received comments on this measure from one individual.

Your Committee finds that aftermarket mufflers can be excessively loud and are a major source of noise pollution which negatively affects the quality of life of residents. Most, if not all, vehicles come stock from the manufacturer with mufflers that emit noise at levels that are reasonable. Therefore, if an owner of a motor vehicle needs to replace their muffler there are options available that would not contribute to excessive noise pollution and disrupt the quality of life for other residents. This measure will prohibit the sale, installation, or modification of mufflers that emit more than ninety-five decibels of sound.

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. 376 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. 336 Transportation on S.B. No. 792

The purpose and intent of this measure is to increase the penalties for violating certain provisions relating to the installation or possession of noisy mufflers.

Your Committee received testimony in support of this measure from the Waikiki Neighborhood Board No. 9.

Your Committee finds that many residents are concerned with the noise pollution from loud mufflers, particularly from motorcycles and mopeds. The excessive noise from these mufflers can have negative impacts on public health and safety, as well as quality of life. Your Committee further finds that existing law and penalties have done little to deter violators from installing or possessing excessively noisy mufflers. This measure will increase the fines that may be issued for violating the loud muffler laws.

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. 792 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. 337 Transportation on S.B. No. 771

The purpose and intent of this measure is to

- (1) Establish the offense of theft of a bicycle; and
- (2) Establish penalties for conviction of the offense of theft of a bicycle.

Your Committee received testimony in support of this measure from the Hawaii Bicycling League and two 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 many more people are commuting by bicycle than ever before. Due to the high cost of living in the State, including parking expenses, gasoline prices, and upkeep of motor vehicles, more people are relying on bicycles as their primary mode of transportation. When a bicycle is stolen from someone who uses it as their primary mode of commuting to and from work, it hampers their ability to earn an income. Existing law does not have an express provision for the theft of a bicycle. This measure will serve to deter bicycle theft.

Your Committee has amended this measure by:

- (1) Classifying theft of a bicycle as an offense under theft in the second degree, a class C felony, in section 708-831, Hawaii Revised Statutes, instead of creating a new statute to classify the offense of theft of a bicycle;
- (2) Adding the definitions of "bicycle" and "toy bicycle" to section 708-800, Hawaii Revised Statutes;
- (3) Deleting language that would have exempted theft of a bicycle from inclusion in the offense of habitual property crime; 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 is in accord with the intent and purpose of S.B. No. 771, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 771, 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. 338 Transportation on S.B. No. 908

The purpose and intent of this measure is to extend the driver's license renewal period for licensees who are between the ages of seventy-two and eighty, provided that the licensee's driving record does not include two or more moving traffic violations after the licensee turned seventy-two years old.

Your Committee received testimony in support of this measure from the Department of Transportation, AARP Hawaii, and five individuals.

Your Committee finds that there may be a benefit to reducing license renewal requirements, however they must be weighed against any risk to public safety. The issue is appropriate for further discussion as this measure proceeds in the legislative process.

Your Committee has amended this measure by inserting an effective date of January 1, 2050, to encourage further discussion.

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. 908, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 908, 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. 339 Transportation on S.B. No. 915

The purpose and intent of this measure is to authorize the issuance of special license plates commemorating Duke Kahanamoku.

Your Committee did not receive any testimony on this measure.

Your Committee finds that Duke Kahanamoku should be recognized for his contributions to the State. Duke was a lifeguard, a record-setting swimmer, a four-time Olympic medalist, a sheriff of the City and County of Honolulu, a world-renown surfer, and the State's original ambassador of aloha. He has been inducted into the Hawaii Waterman Hall of Fame, U.S. Olympic Hall of Fame, International Swimming Hall of Fame, and International Surfing Hall of Fame. It is therefore appropriate that he be honored with a special license plate to further promote his legacy of aloha.

Your Committee has amended this measure by inserting an effective date of January 1, 2050, to encourage further discussion.

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. 915, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 915, 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. 340 Transportation on S.B. No. 1007

The purpose and intent of this measure is to:

- (1) Improve roadway safety by establishing a framework for the regulation of electric foot scooters by the State and counties; and
- (2) Amend the definition of "moped" to exclude electric foot scooters.

Your Committee received testimony in support of this measure from the Department of Transportation, City and County of Honolulu Department of Transportation Services, City and County of Honolulu Department of Customer Services, Lime, and Spin. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Hawaii State Energy Office.

Your Committee finds 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 Committee further finds 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 Committee has amended this measure by:

- (1) Requiring that operators of electric foot scooters need to be at least fifteen years old;
- (2) Requiring that electric foot scooters shall only be publicly stored or docked at specific locations authorized by a county;
- (3) Clarifying that electric foot scooters shall be registered in accordance with section 249-14, Hawaii Revised Statutes, relating to bicycle fees;
- (4) Making conforming amendments to sections 249-14, 249-14.2, 249-14.5, 249-15, 249-16, Hawaii Revised Statutes, to include electric foot scooters in the regulations for registration and transfers of ownership; 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1007, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1007, 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. 341 Human Services on S.B. No. 537

The purpose and intent of this measure is to formally recognize American Sign Language as a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage.

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 four individuals.

Your Committee finds that American Sign Language (ASL) is the primary language of many persons who are deaf or hard of hearing in the United States, including residents of Hawaii. Your Committee further finds that, although ASL is a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage, it was erroneously viewed for many years as a pantomime and a poor substitute for spoken speech. Your Committee additionally finds that recognizing ASL as a language will create more equitable access in numerous areas, including employment, public awareness, and civic participation.

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. 537 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. 342 Energy, Economic Development, and Tourism on S.B. No. 931

The purpose and intent of this measure is to eliminate the use of fossil fuels in Hawaii for electricity generation and storage by:

- (1) Prohibiting, with an unspecified date, any new extension, improvements, overhauling, or refurbishing of any fossil fuel electricity generation or fossil-fuel powered electricity use for grid-tied battery energy storage; and
- (2) Prohibiting, by an unspecified date, the use of fossil fuels for electricity generation or grid-tied battery energy storage.

Your Committee received testimony in support of this measure from the Hawaii Clean Power Alliance, Environmental Caucus of the Democratic Party of Hawai'i, 350Hawaii, Climate Protectors Coalition, Tesla, and three individuals. Your Committee received testimony in opposition to this measure from Hawaiian Electric, Kaua'i Island Utility Cooperative, and IBEW Local 1260. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Public Utilities Commission, and Hawaii State Energy Office.

Your Committee finds that it is important to eliminate fossil fuels for electricity generation and storage by transitioning away from fossil fuels and towards a clean energy economy powered by one hundred percent renewable energy.

Your Committee further finds that the State has also committed to reducing carbon emissions. The renewable energy transformation will help to stabilize and strengthen Hawaii's economy by reducing its dependency on imported and price-volatile fossil fuels, foster innovation and clean energy job growth, help protect Hawaii's environment by greatly reducing carbon emissions by replacing fossil fuel energy with renewable energy, and positioning Hawaii as a global leader in renewable energy and climate solutions.

Your Committee also finds that it is important to implement specific deadlines to reach these benchmarks and that routine maintenance of existing generation sources will help to provide continued delivery of reliable electricity.

Your Committee has amended this measure by:

(1) Amending section 2 by prohibiting the Public Utilities Commission from approving or extending, after December 31, 2035, any new, extension, improvements, overhauling, or refurbishing of any fossil fuel electricity generation facilities or fossil-fuel powered grid-tied battery energy storage system resource, except for routine maintenance or minor repairs up to \$2,500,000 per existing facility in order to maintain reliability;

- (2) Amending section 2 by prohibiting, after December 31, 2045, the use of fossil fuels for electricity generation or grid-tied battery energy storage; 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. 931, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 931, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 343 Energy, Economic Development, and Tourism on S.B. No. 1053

The purpose and intent of this measure is to expand the eligibility of organizations that can receive Community-based Economic Development (CBED) technical assistance.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism and Hawai'i Primary Care Association.

Your Committee finds that technical assistance is an important component of CBED technical assistance and should not only support community-based organizations, but also for-profit businesses, including recipients of CBED microloans. Your Committee further finds that expanding those organizations that are eligible for CBED technical assistance will allow the Department of Business, Economic Development, and Tourism (DBEDT) to better assist in their success and viability. This measure will provide greater opportunity for for-profit businesses to participate in the CBED program and also enable DBEDT's CBED program to be more responsive in addressing community-based economic development needs and opportunities.

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. 1053, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1053, 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 (Lee).

SCRep. 344 (Majority) Energy, Economic Development, and Tourism on S.B. No. 1033

The purpose and intent of this measure is to make an emergency appropriation of general funds to the Stadium Authority to allow the Aloha Stadium to continue to maintain and operate the facility in a safe condition for the public. Funds are authorized to be used for the following expenses:

- (1) Payroll;
- (2) Various repairs and maintenance;
- (3) Contracts for services; and
- (4) Operating equipment.

Your Committee received testimony in support of this measure from the Stadium Authority.

Your Committee finds that due to the coronavirus disease 2019 (COVID-19), the Aloha Stadium and its iconic Aloha Stadium Swap Meet and Marketplace were closed to the public beginning in March 2020. Your Committee believes it is important that the Aloha Stadium receive a general cash appropriation of \$1,500,000 in order to carry it through the fiscal year 2020-2021 and provide sufficient cash to begin the next fiscal year to maintain and operate the Aloha Stadium in a safe, efficient, and compliant manner.

Your Committee further finds that the \$1,500,000 appropriation provides the general funds required to minimally operate and maintain the Aloha Stadium for a limited period of time, and that the Stadium Authority has taken cost-cutting measures in light of the projected budget shortfall.

Accordingly, your Committee highly encourages the Stadium Authority to explore creative outlets, options, and programming ideas to make better use of the Aloha Stadium facility, increase its revenue, and support the needs of the public. Your Committee also encourages the Stadium Authority and the University of Hawaii Athletics Department to work together and collaborate to develop a comprehensive plan that allows the Aloha Stadium to continue to host Rainbow Warrior football games.

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. 1033, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1033, 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 (Misalucha, Riviere). Noes, 1 (Fevella). Excused, 1 (Lee).

SCRep. 345 Energy, Economic Development, and Tourism on S.B. No. 1058

The purpose and intent of this measure is to expand the funding sources and the authorized uses of the Hawaii Film and Creative Industries Development Fund by:

- (1) Amending the Hawaii Film and Creative Industries Development Special Fund to expand is funding sources and the authorized uses of the fund; and
- (2) Making an appropriation out of the Hawaii Film and Creative Industries Development Special Fund.

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, renamed the Hawaii Television and Film Development Special Fund as the Creative Film and Media Development Special Fund and intended that the fund be used to support creative intellectual property and related infrastructure development. Your Committee heard testimony from the Department of Business, Economic Development, and Tourism explaining that this measure would allow the revenues generated from its film facilities in Kalaeloa and on Diamond Head to be deposited into the Creative Film and Media Development Special Fund instead of the general fund. Expanding the authorized uses of the funds will help the Department to effectuate the purposes of Act 228.

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 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. 1058, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1058, 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 (Lee).

SCRep. 346 Energy, Economic Development, and Tourism on S.B. No. 927

The purpose and intent of this measure is to provide an income tax exclusion of up to \$50,000 per year in income earned and proceeds derived from stock options or stock by an employee from a qualified high technology business or an investor who qualified for a high technology business investment tax credit, pursuant to section 235-110.9, Hawaii Revised Statutes, provided that:

- (1) The employee or investor is a resident of the State; and
- (2) Amounts in excess of \$50,000 in the taxable year shall be taxed at the applicable income tax rate.

Your Committee received comments on this measure from the Department of Taxation, Department of the Attorney General, Tax Foundation of Hawaii, Hawaii Technology Development Corporation, and TechMana LLC.

Your Committee finds that this measure limits the amount of the exclusion for income earned and proceeds derived from stock options or stock from one hundred percent of such income earned to \$50,000. In addition, your Committee finds that the measure limits the availability of the income tax exclusion to certain employees and investors based on whether they are a resident of the State. Your Committee received testimony from the Department of the Attorney General, which noted that a restriction based on residency does not appear to achieve an overall substantial equality of treatment between residents and nonresidents as required by the United States Constitution.

Accordingly, your Committee has amended this measure by removing the requirement that the taxpayer must be a resident of the State in order to be eligible for the tax exclusion.

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. 927, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 927, 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 (Lee).

SCRep. 347 Energy, Economic Development, and Tourism on S.B. No. 963

The purpose and intent of this measure is the issuance of special purpose revenue bonds to assist HK Management, LLC, in planning, designing, constructing, reconstructing, renovating, acquiring, equipping, and improving a surf industry center in Kalaeloa on Oabu

Your Committee received testimony in support of this measure from Kai Law, LLC, and nine individuals. Your Committee received comments on this measure from Department of Budget and Finance.

Your Committee finds that HK Management, LLC, was selected to develop the Surf Industry Center and believes that its development will advance the State's interest by promoting Hawaii's surfing and film industries, cultural education, smart tourism, and economic development. Your Committee also finds that the surf center will provide other benefits, which include:

- (1) Supporting local surf-related businesses;
- (2) Providing a world-class surf and aquatic film studio;
- (3) Providing an artificial surf facility to serve as a training and meet venue; and

(4) Providing employment opportunities and promoting awareness of surf history and Hawaii surf culture.

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. 963 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 (Lee).

SCRep. 348 Energy, Economic Development, and Tourism on S.B. No. 930

The purpose and intent of this measure is to facilitate the timely interconnection and transmission lines for utility-scale renewable energy projects.

Your Committee received testimony in support of this measure from Hawaii Clean Power Alliance and the Democratic Caucus Environmental Committee. Your Committee received testimony in opposition to this measure from Hawaiian Electric. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii State Energy Office, and Public Utilities Commission.

Your Committee finds that accelerating the development of renewable energy in order to reduce greenhouse gases is a high priority and the Legislature has enacted numerous measures to achieve this objective. Your Committee further finds that there have been significant delays for Hawaiian Electric to complete its interconnection process so that utility-scale renewable energy projects know how they may interconnect with Hawaiian Electric's grid allowing them to begin construction.

Your Committee further finds that facilitating the timing of interconnection will help bring utility-scale renewable projects online sooner and further the State's prospects of meeting its ambitious renewable portfolio standards, clean energy, and carbon reduction goals.

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. 930, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 930, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 349 Energy, Economic Development, and Tourism on S.B. No. 929

The purpose and intent of this measure is to:

- Provide timely review by the Public Utilities Commission in its decision-making process regarding proposed renewable energy projects; and
- (2) Require timely completion of the interconnection process by electric public utilities.

Your Committee received testimony in support of this measure from the Hawaii Clean Power Alliance. Your Committee received testimony in opposition to this measure from Hawaiian Electric Company. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii State Energy Office, Public Utilities Commission, and Ulupono Initiative.

Your Committee finds that it is necessary for the State to aggressively pursue the goal of carbon negativity to mitigate the potentially catastrophic results of such things as sea level rise caused by continued greenhouse gas emissions. Your Committee further finds that in order for the State to move closer to its carbon negative target as soon as possible, continual progress, timely approval, commencement of construction, and competition of renewable energy project is of paramount importance. In particular, the timely review by the Public Utilities Commission in its decision-making process regarding proposed renewable energy projects and the timely completion of the interconnection process by electric public utilities is critical.

Your Committee further finds that there are instances where the timely completion of the interconnection process may not be feasible and the interconnection process should have a certain degree of flexibility to adjust for changes due to permitting requirements, financing restrictions, community feedback, or other issues that could impact the fundamental design of an interconnection and change the scope and timing of the interconnection process.

Your Committee also finds that when these situations occur and the electric public utility and developer are in agreement, the completion timeline should be lifted to allow for additional completion time.

Your Committee has amended this measure by:

- (1) Amending section 2 to allow for the extension of the timeline for completion of the interconnection process between an electric public utility and developers, when both parties agree to the extension;
- (2) Specifying that any agreement between the electric public utility and developers to extend the timelines does not apply to or modify the timeline for completion of the interconnection process between the Public Utilities Commission and any other project of the utility; 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. 929, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 929, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 350 (Joint) Agriculture and Environment and Energy, Economic Development, and Tourism on S.B. No. 335

The purpose and intent of this measure is to require the Department of Agriculture and Agribusiness Development Corporation to annually lease at least fifty percent of land leased or up for lease renewal to operations whose primary business is local food production.

Your Committees received testimony in support of this measure from one councilmember of the Kaua'i County Council, one councilmember of the Hawai'i County Council, EcoTipping Points Project, The Friends of Makakilo and Save O'ahu Famlands Alliance, Kauai Climate Action Coalition, Malama Kauai, Americans for Democratic Action, Hawai'i SEED, Pele Lani Farm LLC, Hawai'i Center for Food Safety, Pono Hawai'i Initiative, Food+ Policy Internship University of Hawai'i West O'ahu, Hawai'i Alliance for Progressive Action, OrganicHawaii.org, and ninety-eight individuals. Your Committees received testimony in opposition to this measure from the Department of Agriculture; Umi's Farm; Kaua'i Island Utility Cooperative; Green Point Nurseries, Inc.; Kaua'i Chamber of Commerce; and three individuals. Your Committees received comments on this measure from the Agribusiness Development Corporation and two individuals.

Your Committees find that the Agribusiness Development Corporation was established in 1994, to transform large tracts of land becoming available due to the downsizing of the sugar and pineapple industries into economically viable farms. Hawaii now faces different issues in sustainable agriculture and local food production, especially considering the coronavirus disease 2019 (COVID-19) pandemic and the economic crisis that has followed. According to the Agribusiness Development Corporation's 2019 report to the Legislature, the Corporation manages over 22,000 acres of public agricultural lands with significant potential to shape the State's agricultural public policy toward the goal of food self-sufficiency. The lack of affordable agricultural land with long-term leases is cited as a key inhibitor of the growth and expansion of local agriculture.

Your Committees further find that in 2021, the State Auditor published an audit of the Agribusiness Development Corporation. The audit concluded that though the Corporation was established more than twenty-five years ago to develop an "aggressive and dynamic" agribusiness development program to fill the economic void created by the closure of the sugar and pineapple plantation, the agency has done little to fill the void. The audit also concluded that the land management struggles, including inconsistent, incomplete, and, in many cases, non-existent recordkeeping, prospective tenants occupying lands without signed written agreements, and persistent criminal activity on its properties, expose the State to unnecessary risk. Additionally, the audit noted that Agribusiness Development Corporation's Board of Directors provides minimal guidance and oversight to the Corporation. A great majority of Agribusiness Development Corporation's land and water holdings have been leased to agrochemical corporations for experimental research and developing herbicide-resistant seed corn for export.

The Agribusiness Development Corporation's management and alleged misuse of Hawaii's prime agricultural lands has been linked to contamination and pesticide drift concerns, as well as violations of the Clean Water Act, Best Management Practices, and other environmental laws. Overall, these findings suggest that their land management struggles may have hindered Hawaii's potential for a diversified and sustainable food economy. Therefore, this measure seeks to ensure that the Agribusiness Development Corporation prioritizes food production for local consumption.

Your Committees have heard concerns from the Department of Agriculture that this measure would severely limit the income of some farms and harm diversified agricultural sectors, such as nurseries, crops for export, agroforestry, and energy crop production, not all department lands are suitable for food production due to soil quality and slope of land, local produce prices are influenced by imported crops, and the Department currently maintains the authority to establish other terms and conditions it deems necessary on leases. Your Committees have also heard testimony that this measure could result in cancelation of an important renewable energy project on Kauai's west side, which will bring Kauai to more than eighty percent of renewable generation.

Your Committees have amended this measure by:

- (1) Inserting language to include among the members of the Board of Directors of the Agribusiness Development Corporation two representatives of local farmers' or ranchers' associations, as nominated by the chairs of the House of Representatives and Senate Committees on agriculture;
- (2) Reducing the number of at-large members on the Board of Directors of the Agribusiness Development Corporation from four to two;
- (3) Requiring meetings of the Board of Directors of the Agribusiness Development Corporation to be subject to sunshine law requirements under part I of chapter 92, Hawaii Revised Statutes;
- (4) Inserting language to require the Department of Agriculture and Agribusiness Development Corporation to lease at least fifty percent of certain lands for purposes that support food or crop production for local consumption, in addition to agricultural operations whose primary business is food or crop production for local consumption; 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 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. 335, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 335, 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.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

SCRep. 351 (Joint) Agriculture and Environment and Energy, Economic Development, and Tourism on S.B. No. 934

The purpose and intent of this measure is to exempt hydrogen fuels from petroleum product measurement requirements.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, Hawaii Center for Advanced Transportation Technologies, Alliance for Automotive Innovation, Hawaii Food Industry Association, Servco Pacific Inc., Hawaii Gas, Ulupono Initiative LLC, Hawaii Automobile Dealers' Association, and Blue Planet Foundation. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that hydrogen, as a renewable fuel, offers great promise for Hawaii. Your Committees further find that the existing measurement standards law implies that hydrogen must be sold based on measure, yet the State currently does not have a means to measure and certify hydrogen dispensers. This measure will assist the State in utilizing other forms of renewable fuels by explicitly exempting hydrogen from measurement standards relating to fuel.

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. 934 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, 5. Noes, none. Excused, none.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

SCRep. 352 (Joint) Agriculture and Environment and Energy, Economic Development, and Tourism on S.B. No. 1248

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 Committees received testimony in support of this measure from the Department of Agriculture; Larry Jefts Farms, LLC; Kauai Nursery & Landscaping, Inc.; Lokelani Ranch/7th Veil, LLC; Ka'u Royal Hawaiian Coffee and Tea, LLC; Land Use Research Foundation of Hawaii; East O'ahu County Farm Bureau; Ulupalakua Ranch; Hawaii Crop Improvement Association; Hawaii Cattlemen's Council, Inc.; MetroGrow Hawaii; Ponoholo Ranch Limited; Hawaii Farm Bureau; Jay's Hog Farm; Ulupono Initiative LLC; Hawaii Aquaculture & Aquaponics Association; MauiGrown Coffee, Inc.; Scott E. Enright Company, LLC; Kualoa Ranch Hawaii; Ag Matters, LLC; and ten individuals.

Your Committees find 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 Committees further find that many diversified farming operations do not have adequate resources to expand or maximize their productivity. Your Committees believe 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.

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. 1248 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, 5. Noes, none. Excused, none.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

SCRep. 353 Government Operations on S.B. No. 135

The purpose and intent of this measure is to require the Office of Enterprise Technology Services to conduct a study to determine appropriate state office buildings that can provide equitable telecommunication access to allow residents to remotely participate in legislative hearings for the counties of Hawaii, Kauai, and Maui and rural areas of the City and County of Honolulu.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services and one individual. Your Committee received comments on this measure from the Disability and Communication Access Board.

Your Committee finds that as an island state, Hawaii's geography and transportation challenges pose particular hardships for residents of the counties of Hawaii, Kauai, and Maui to actively participate in the legislative process via in-person testimony at committee hearings. Neighbor island residents who physically attend legislative committee hearings to testify on measures incur significant air travel, lodging, and other transportation costs, and often have to take time off from work. This measure is the first step to allow neighbor island residents and other residents who live far from the State Capitol to participate in committee hearings via remote testimony, which will promote equal access to the legislative process and encourage greater civic participation. Your Committee further finds that it is important to ensure that the state office buildings identified through the study are also able to allow persons with disabilities to provide live, real-time remote testimony.

Your Committee has amended this measure by requiring that the buildings identified by this measure are equally accessible to persons with disabilities.

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. 135, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 135, 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, Fevella).

SCRep. 354 Government Operations on S.B. No. 222

The purpose and intent of this measure is to require the Comptroller's annual report to the Governor and Legislature to include a list of all accounts that were closed by the Comptroller during the immediately preceding fiscal year, and a list of accounts that remain open but that are serving a lapsed program or initiative.

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

Your Committee finds that although the Department of Accounting and General Services (DAGS) reports on closed accounts, departments do not always report accounts that are open but inactive and serving lapsed funds. According to testimony received by your Committee, DAGS recently initiated a contract review for existing encumbrances five years or older based on the date of the contract, and will continue to review contract encumbrances on a periodic basis to assess which contracts should be closed to unencumber appropriate funds.

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. 222, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 222, 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. 355 Government Operations on S.B. No. 332

The purpose and intent of this measure is to amend the powers and duties of the Comptroller to reduce the preaudit requirements of all proposed payments to expenditures by:

- (1) Increasing the minimum dollar amount of payments to be preaudited from \$10,000 to \$100,000; and
- (2) Allowing, rather than requiring, the Comptroller to preaudit proposed payments of expenditures below \$100,000.

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

Your Committee finds that the State's forty-five year old accounting software system is a dated processing system that requires substantial human intervention and paper processing because it was not designed with automated checks and balances embedded in the programming methodology. Your Committee notes that the increased delegation of authority to the departments by this measure will also place additional responsibility for compliance and accuracy at the department level. According to testimony received by your Committee, thorough and accurate transaction information submitted to the Department of Accounting and General Services is processed expeditiously by the following business day. Your Committee further finds that updating the preaudit process for proposed payments can help the State provide more effective, efficient, and expeditious services to the public. Your Committee further notes that the new Financial Management System project, which will replace the outdated manual process, will also help preserve and strengthen the integrity of the Comptroller's pre-audits and post-audits.

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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 332, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 332, 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. 356 Government Operations on S.B. No. 787

The purpose and intent of this measure is to:

- (1) Require that revenue estimates provided by the Department of Taxation to the Legislature or to any executive or administrative office be accompanied by a description of the methodology used and assumptions made in providing the estimate; and
- (2) Require the estimate and description to be open to public disclosure.

Your Committee received testimony in support of this measure from the Civil Beat Law Center for the Public Interest and one individual. Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that the existing language of this measure may inadvertently mandate the disclosure of confidential taxpayer information. According to testimony received by your Committee, the disclosure of confidential taxpayer information leads to distrust in the voluntary tax compliance system and the erosion of tax revenue. Your Committee finds that the Department of Taxation can provide the estimate and description required in this measure without disclosing any confidential taxpayer information.

Your Committee has amended this measure by removing language that would have exempted the revenue estimate and description from laws that restrict the disclosure of a tax return or tax return information.

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. 787, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 787, 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. 357 Government Operations on S.B. No. 788

The purpose and intent of this measure is to improve the efficiency and cost-effectiveness of the State's procurement of goods, services, and construction by:

- (1) Requiring that past performance be considered in the bid selection of contractors for certain contracts;
- (2) Requiring procurement officers to consider past performance and conduct past performance evaluations and maintain the record of the evaluations; and
- (3) Repealing the requirement that an offeror give notice of their intention to submit a bid ten calendar days before the date of opening offers.

Your Committee received testimony in support of this measure from the Department of Transportation and Subcontractors Association of Hawaii. Your Committee received testimony in opposition to this measure from the Department of Accounting and General Services and City and County of Honolulu Department of Design and Construction. Your Committee received comments on this measure from the State Procurement Office.

Your Committee finds that this measure is intended to decrease repeated inefficiencies, substandard work, and other forms of poor performance on state contracts by requiring the evaluation of past performance in the bid selection of contractors for certain projects. However, according to testimony received by your Committee, the State Procurement Code currently allows procuring agencies to consider past performance, when appropriate. In addition, multiple testifiers expressed concerns on mandating the evaluation of past performance on all state bids and solicitations, citing potential increases in administrative burden, bid protests, and delays in project award, execution, and delivery, all which could lead to lapsed funding or increased final costs. The Department of Accounting and General Services also indicated that this measure may add undesirable subjectivity to the bid selection process.

Your Committee understands these concerns and notes that S.B. No. 1017 (Regular Session of 2021), is a substantially similar measure that has inclusive language containing the necessary steps to implement past performance criteria in a bid or offer for a public works project. S.B. No. 1017 implements certain recommendations of the procurement policy review conducted pursuant to House Resolution No. 142, Regular Session of 2016. Your Committee notes that these recommendations were made to increase economy, efficiency, effectiveness, and impartiality in public procurement by aligning the state procurement process to the federal procurement process, while safeguarding against the possibility of subjectivity in the bid selection process. Your Committee further notes that the language of S.B. No. 1017 is preferable because it not only addresses the issue of poor performance in public procurement, but also addresses procurement issues such as bid shopping while allowing state agencies the flexibility to weigh selection criteria when procuring services from design professionals and to negotiate price adjustments on the successful bid for construction as their federal counterparts.

According to multiple testimonies received by your Committee, the repeal of the requirement to disclose the scope and nature of work to be performed by subcontractors, although intended to decrease the amount of bid protests on technical mistakes and unintentional errors, would, in fact, increase the practice of bid-shopping as there would be no way for the State Procurement Office, listed subcontractor, other bidders, and stakeholders to verify the portion of work a subcontractor is to perform. Your Committee further finds that bid shopping reduces the quality of work, discourages competition, inflates prices, and promotes unethical and unfair business practices.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 1017, a similar measure, which implements certain recommendations made by the State Procurement Office's review of Hawaii procurement laws conducted pursuant to House Resolution No. 142. Regular Session of 2016, by:
 - (A) Allowing selection committees for the procurement of professional services the same flexibility afforded to their federal counterparts to weigh the selection criteria in the order of importance relevant to their agency and project;
 - (B) Requiring the State Procurement Office to develop a statewide vendor performance information system;
 - (C) Allowing the head of a purchasing agency the option to negotiate an adjustment of an otherwise successful bid for construction procurements to closer align with an internal project price estimate;
 - (D) Eliminating the requirement that bidders disclose the nature and scope of work expected to be performed by subcontractors; and
 - (E) Requiring the State Procurement Office to submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022 regarding the progress it has made toward adopting the recommendations in this measure, and to include any proposed legislation necessary to facilitate those recommendations;
- (2) Requiring that the past performance database include the reason for any positive or negative difference between the final cost of the project and the project's authorized budget;

- (3) Removing language that would have required the evaluation of past performance for the award of competitive sealed proposals;
- (4) Inserting language requiring the written past performance evaluations for all procurements under the small purchase threshold to be maintained in the procuring department's files and the past performance database;
- (5) Maintaining current statutory language that requires bidders to disclose the nature and scope of work expected to be performed by subcontractors;
- (6) Inserting language that allows a bidder to clarify and correct non-material or technical issues with subcontractor listings for up to twenty-four hours after the bid submission deadline;
- (7) Removing language that would have required the State Procurement Office to submit a report to the Legislature on the progress of implementing the recommendations;
- (8) Amending the purpose sections of Parts I and V to reflect their amended purpose;
- (9) Providing an effective date of July 1, 2021; provided that the effective date for Part III, regarding the development of a statewide vendor performance information system is December 31, 2022; 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 788, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 788, 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. 358 Government Operations on S.B. No. 789

The purpose and intent of this measure is to:

- (1) Establish a special procurement process for the procurement of goods and services;
- Require the Procurement Policy Board to establish procedures for the special procurement process through administrative rules;
- (3) Require the head of a purchasing agency to prepare a procurement plan and submit the plan to the Attorney General or corporation counsel; and
- (4) Require the head of a purchasing agency to electronically post, for at least one year, public notice of special procurement contracts within seven days of the contract award.

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received comments on this measure from the State Procurement Office and Department of Human Services.

Your Committee finds that competition in the public procurement process is necessary to prevent favoritism, collusion, or fraud in the award of public contracts. According to testimony received by your Committee, hinging the awards of special procurements on administrative rules may limit the utility of the special procurement vehicle. Your Committee further finds that it is in the public's best interest to provide the State with greater flexibility in the procurement of certain goods and services so it can be more responsive in addressing unique or unusual needs or situations.

Your Committee has amended this measure by:

- (1) Clarifying the appropriate level of competition for special procurement;
- Requiring the Procurement Policy Board to adopt administrative rules for the special procurement process by December 31, 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 789, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 789, 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. 359 Government Operations on S.B. No. 797

The purpose and intent of this measure is to:

- (1) Provide the Chief Information Officer with the authority to approve, or expedite the approval process of, a state agency's management information system project that is budgeted at or more than \$1,000,000, or any other project the Chief Information Officer deems necessary to expedite; and
- (2) Require the Chief Information Officer to annually report the status of all pending or completed projects over \$1,000,000, including whether they are on time and on budget.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services and Transform Hawai'i Government.

Your Committee finds that this measure expedites the approval of large information system projects, which is integral to fulfilling the Hawaii Information Technology Strategic Plan. According to testimony received by your Committee, this measure promulgates key portions of the present State Information Technology (IT) Governance review process as outlined in the Governor's Administrative Directive No. 18-03, Program Governance and Independent Verification and Validation Requirements for Enterprise Information Technology Projects, dated September 25, 2018. Your Committee further finds that the annual reporting requirement to the Legislature on information technology and telecommunications acquisition projects proposed by this measure is imperative to maintaining transparency in information technology projects and will also ensure that the projects achieve their expected objectives and provide a clear return on investment

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. 797, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 797, 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. 360 Government Operations on S.B. No. 798

The purpose and intent of this measure is to prohibit the purchase of any new vehicles powered by internal combustion engines for the State's motor pools beginning January 1, 2022.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Ulupono Initiative, 350Hawaii.org, Americans for Democratic Action, KauaiEV, Mission Zero Hawaii, Hawaii Electric Vehicle Association, and three individuals. Your Committee received comments on this measure from the Department of Accounting and General Services and Department of Education.

Your Committee finds that to meet the State's goal of one hundred percent renewable energy by 2045, it is essential to reduce carbon emissions by beginning the conversion of the State's motor pools to zero emission vehicles (ZEVs) as soon as practicable. According to testimony received by your Committee, the conversion will require significant upgrades of state infrastructure to ensure adequate electrical capacity for ZEVs, which requires significant financing. The State operates approximately five thousand vehicles through various agencies, which operate their own motor pools and manage their own expenses to support their respective fleets. Your Committee further finds that the Department of Accounting and General Services' (DAGS) motor pool program is a logical place to facilitate the use of ZEVs statewide.

Your Committee has amended this measure by:

- Specifying that all new vehicles purchased for the DAGS' motor pool program rather than the State's motor pools, be ZEVs;
 and
- (2) Requiring DAGS, in coordination with other state agencies, to submit a plan to convert the State's motor pool fleet to ZEVs 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. 798, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 798, 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. 361 Government Operations on S.B. No. 851

The purpose and intent of this measure is to:

- Clarify that certain small wireless facilities and associated modified or replaced utility poles shall be classified as permitted
 uses and shall not be subject to zoning review or zoning approval if they are deployed in an underserved area or unserved area;
 and
- (2) Define "underserved area" and "unserved area".

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Transportation; and Verizon. Your Committee received testimony in opposition to this measure from Mahana Weddings Maui; Keep Your Power Hawaii; Keep Your Power, Kauai; and fifty-seven individuals.

Your Committee finds that broadband is increasingly intertwined with the daily functions of modern life. Your Committee further finds that nearly one hundred thousand residents of Hawaii have only one wired service provider available at their residence address, nearly twenty-two thousand residents have no wired internet providers offering service at their residence, and over forty thousand residents of Hawaii do not have a wired connection capable of high-speed internet. This measure will facilitate the development of broadband infrastructure.

Your Committee also notes that numerous testifiers expressed concerns about the potential impacts of this measure on the ability of counties and local communities to make their own zoning and permitting decisions, and that consideration of these concerns may merit further discussion as this measure proceeds in the legislative process.

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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 851, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 851, 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. 362 Government Operations on S.B. No. 947

The purpose and intent of this measure is to:

- (1) Establish the Hawaii Broadband and Digital Equity Office within the Office of the Governor; and
- (2) Appropriate funds for the establishment and staffing for the Hawaii Broadband and Digital Equity Office.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Human Services; Department of Transportation; Department of Health; Office of the Mayor of the County of Maui; AARP Hawaii'; Hawaii Primary Care Association; two individuals; and a petition consisting of twenty-eight organizations and eleven individuals. Your Committee received testimony in opposition to this measure from Mahana Weddings Maui and eighteen individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Keep Your Power Hawaii, and twenty-six individuals.

Your Committee finds that the development of broadband technology is vital to the well-being of the State's residents and communities. For example, these technologies bring opportunities for direct access to education and healthcare for rural residents who are otherwise forced to travel long distances for educational courses and medical treatment, allow farmers to gain real-time access to vital information such as crop prices or weather forecasts, and empower small businesses to expand their access to markets. This measure will establish a Hawaii Broadband and Digital Equity Office to broaden access to these vital technologies throughout the State.

Your Committee also notes that several testifiers expressed concerns about the potential negative health impacts associated with certain types of wireless broadband technologies, and that consideration of the evidence supporting these concerns may merit further discussion as this measure proceeds in the legislative process.

Your Committee has amended this measure by:

- Establishing the Hawaii Broadband and Digital Equity Office within the Department of Business, Economic Development, and Tourism instead of the Office of the Governor;
- (2) Removing the general fund appropriation for the creation and staffing of the Hawaii Broadband and Digital Equity 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 947, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 947, 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. 363 Government Operations on S.B. No. 1016

The purpose and intent of this measure is to require the Department of Accounting and General Services to establish and enforce a virtual private network policy to provide state employees teleworking from home or other off-worksite locations access to otherwise closed state network resources through the internet in a secure and uniform manner.

Your Committee received testimony in opposition to this measure from the Office of Enterprise and Technology Services. Your Committee received comments on this measure from the Department of Accounting and General Services.

Your Committee finds that remote teleworking can and should continue to remain an important option for state employees who can accomplish their duties outside of their traditional work environment. According to testimony received by your Committee, state agencies and departments need the flexibility to choose the technology that best fits its organization. Your Committee further finds that the Office of Enterprise Technology has the expertise to define the parameters that will strengthen the ability of state employees to work remotely.

Accordingly, your Committee has amended this measure by:

- Directing the Office of Enterprise Technology within the Department of Accounting and General Services to establish policies, in collaboration with departments and agencies, to provide infrastructure and resources for state employees to telework securely;
- (2) Broadening the scope of this measure to allow the policies to include other efficient and effective remote computing technologies in addition to virtual private networks; 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. 1016, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1016, 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. 364 Government Operations on S.B. No. 1035

The purpose and intent of this measure is to:

- (1) Establish a procurement automation system special fund;
- (2) Allow the State Procurement Administrator (Administrator) to establish procedures for issuing the final decision on any procurement practice, procurement policy and procedures, and compliance investigation conducted by the State Procurement Office, pursuant to section 103D-206, Hawaii Revised Statutes; and
- (3) Authorize the Administrator to assess and collect an administrative fee to cover the costs of the procurement automation system.

Your Committee received testimony in support of this measure from the State Procurement Office, Department of Transportation, and Hawaii Public Policy Advocates. Your Committee received comments on this measure from the Department of Accounting and General Services.

Your Committee finds that the transition from a manual procurement process to a centralized online digital procurement system across executive branch and state agencies will increase efficiencies and responsiveness; support consistent and standardized procurement practices, policies, and procedures; and provide greater confidence to taxpayers by ensuring optimal compliance and transparency under the State Procurement Code. According to testimony received by your Committee, the administrative fee proposed by the State Procurement Office to financially sustain this automated system will save the State approximately \$1,200,000 in general funds each year. Your Committee further finds that although the Administrator has the authority to perform periodic reviews of the State's agencies for compliance with the State Procurement Code, the language of this measure will acknowledge the Administrator as the authority on the final review of these matters.

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. 1035, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1035, 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. 365 Government Operations on S.B. No. 1207

The purpose and intent of this measure is to:

- (1) 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; and
- (2) Remove 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 and 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 include situations of an unusual or compelling urgency that, without the continued government service, would be a threat to life, public health, welfare, 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:

- Requiring the procuring agency to report to the Chief Procurement Officer regarding the emergency procurement in a timely manner; 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. 1207, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1207, 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. 366 Government Operations on S.B. No. 1304

The purpose and intent of this measure is to require that the Department of Accounting and General Services (DAGS) be responsible for ensuring state facilities are maintained in accordance with proper repair, maintenance, and cleanliness standards to promote the health and safety of occupants and visitors.

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

Your Committee finds that it is in the best interest of the public and the State for state facilities to be managed with proper repair, maintenance, and sanitation procedures. According to testimony received by your Committee, state facilities are assigned to various departments and each department is responsible for the repairs, maintenance, and management of the facilities that they are assigned. Your Committee notes that DAGS has direct oversight over one percent of all State facilities.

Your Committee has amended this measure by:

- (1) Limiting the scope of this measure to apply to the state buildings under the responsibility of DAGS; and
- (2) Inserting language to encourage other state departments to adopt health and safety policies within their respective facilities.

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. 1304, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1304, 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. 367 Government Operations on S.B. No. 1307

The purpose and intent of this measure is to establish an information technology modernization program management office to provide guidance and support to major public information technology projects.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, Office of Enterprise Technology Services, and Transform Hawai'i Government.

Your Committee finds that the Hawaii Modernization Initiative (HiMod) has had success in implementing the State Enterprise Resource Planning Project. HiMod has already updated the State's human resource management system and created a statewide payroll system. This existing project management office is currently updating the State's system of processing electronic timesheets and leave requests, while upgrading the State's financial management and accounting system. According to testimony received by your Committee, although the HiMod is not large enough to support other state modernization efforts, it can serve as a model for the information technology modernization program management office proposed in this measure. Your Committee recognizes that the coronavirus disease 2019 pandemic has highlighted how modern information technology infrastructure can improve public access to government services. Your Committee notes the Comptroller's oral testimony that the Department of Accounting and General Services will work with the Office of Enterprise Technology Services to provide funding in the Department's executive budget for the establishment of an information technology modernization program management office.

Your Committee has amended this measure by:

- (1) Removing the appropriation for the operation and administration of the information technology modernization program management office; 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. 1307, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1307, 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. 368 Government Operations on S.B. No. 1395

The purpose and intent of this measure is to:

- (1) Require the Governor to appoint an individual to fill a vacancy within all boards and commissions within an unspecified period of time;
- (2) Require that holdover appointments are limited to an unspecified period of time, thereby creating a vacancy at the end of the holdover period; and
- (3) Require department heads to inform the Governor of any vacancy on any board or commission.

Your Committee received testimony in support of this measure from one member of the Hawaii State Senate.

Your Committee finds that state boards and commissions provide a vital opportunity for a cross-section of Hawaii's residents to offer input and influence decisions that shape the quality of life throughout the State. Your Committee further finds that it is imperative that members of boards and commissions are appropriately and timely nominated and appointed to enable boards and commissions to meet and conduct business.

Your Committee further notes testimony that recent positions by the Office of the Attorney General regarding the law governing holdovers has led to confusion and possible abuse. This measure would clarify the law regarding holdover members of boards and commissions

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. 1395, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1395, 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. 369 (Joint) Education and Government Operations on S.B. No. 465

The purpose and intent of this measure is to:

- (1) Require the Auditor to perform an annual operational audit of the academic and financial plans of the Department of Education:
- (2) Require the Department of Education to contract with a third-party consultant that specializes in school finance to study the adequacy of education funding in Hawaii; and
- (3) Appropriate funds.

Your Committees received testimony in support of this measure from the HE'E Hui for Excellence in Education, Maui Chamber of Commerce, and one individual. Your Committees received comments on this measure from the Department of Education and Office of the Auditor.

Your Committees find that there is a greater need for fiscal transparency of the Department of Education. Your Committees further find that routine audits will help to identify the financial and management needs of Department of Education schools. While there are audits and reviews of certain processes in various Department of Education offices, this measure adds further accountability to ensure that resources are used effectively and efficiently.

Your Committees note that clarification should be provided for the specific areas of the academic and financial plan that the Auditor should review. Your Committees advise that the Auditor should focus the scope of the academic and financial plan audit, looking at the connection between education outcomes expressed in the academic plans and how they affect complex area and state level educational outcomes. Any audit conducted should link the financial plans with success in identified education outcomes as expressed in the academic plans.

Your Committees have amended this measure by:

- (1) Removing language that required the reporting by the Auditor be performed annually;
- (2) Removing language that required the Department of Education to contract with a third-party consultant that specializes in school finance to perform a study on the adequacy of education funding in Hawaii and appropriating funds for the study; 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 Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 465, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 465, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 370 (Joint) Education and Government Operations on S.B. No. 466

The purpose and intent of this measure is to:

- (1) Require that the School Facilities Agency complies with the Hawaii Public Procurement Code;
- (2) Authorize the School Facilities Agency to have additional powers and duties;
- (3) Specify additional uses for the school facilities special fund; and
- (4) Provide the Executive Director of the School Facilities Agency with authority relating to capital improvement projects for the School Facilities Agency.

Your Committees received testimony in support of this measure from the State Procurement Office and Department of Transportation. Your Committees received testimony in opposition to this measure from the Department of the Attorney General and one individual. Your Committees received comments on this measure from the Department of Education.

Your Committees find that currently, Act 72, Session Laws of Hawaii 2020 (Act 72), does not clearly describe the powers and responsibilities of the School Facilities Agency and its Executive Director, School Facilities Board, and administrative staff. This measure will amend some of the provisions of Act 72, which will help provide guidance and improve the efficient operation of the School Facilities Agency.

Your Committees have amended this measure by:

- (1) Removing language that allows the School Facilities Agency to appoint or retain, by contract, one or more attorneys independent of the Attorney General to provide legal services solely in cases of negotiations in which the Attorney General lacks expertise;
- (2) Clarifying that the School Facilities Agency shall collaborate with the Department of Education and submit a report to the Legislature, no later than twenty days prior to the convening of the regular session of 2022, identifying positions of the Department of Education that should be transferred to the School Facilities Agency, including positions responsible for public school development, planning, and construction related to capital improvement projects, along with proposed legislation to further implement the transfer of positions, offices spaces, and related records and equipment; 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 Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 466, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 466, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 5. Noes, none. Excused, none. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 371 (Joint) Education and Government Operations on S.B. No. 1118

The purpose and intent of this measure is to remove the Governor from the Education Commission of the States and add a fourth member appointed by the Governor.

Your Committees received testimony in support of this measure from one individual.

Your Committees find the guiding principle for the composition of the membership on the Education Commission of the States from each party state is that the members representing a state shall, by virtue of their training, experience, knowledge, or affiliations, be in a position to collectively reflect broadly the interests of the state government, higher education, state education system, local education, lay and professional, and public and nonpublic educational leadership. In an effort to follow the guiding principle and increase education expertise on the Commission, under this measure, the number of members appointed by the Governor will increase and the Governor will be removed from the Commission.

Your Committees have amended this measure by:

- (1) Rather than merely adding a fourth member to be appointed by the Governor, specifying that the Executive Director of the Hawaii State Public Charter School Commission will serve on the Education Commission of the States instead; 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 Education and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1118, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1118, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 5. Noes, none. Excused, none. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 372 (Joint) Education and Human Services on S.B. No. 1347

The purpose and intent of this measure is to require the Department of Education to offer training for teachers, educational officers, and school-based behavioral health specialists on sex trafficking prevention and response.

Your Committees received testimony in support of this measure from the Department of the Prosecuting Attorney for the City and County of Honolulu, Hawaii State Teachers Association, Democratic Party of Hawai'i Hawaiian Affairs Caucus, Democratic Party of Hawai'i Education Caucus, Imua Alliance, Susannah Wesley Community Center, Pacific Survivor Center, Hawaii Association of School Psychologists, and six individuals. Your Committees received testimony in opposition to this measure from Harm Reduction Hawaii. Your Committees received comments on this measure from the Department of Education.

Your Committees find that sexual violence is a serious and ongoing threat to the safety, health, and well-being of children and young people in Hawaii. Recognizing and identifying indicators, such as social isolation, removal from the home, and cultivation of dependency, are key in providing greater protection for children who are being exploited or who may be at risk for future sexual exploitation. Because of the amount of time students spend at school, sexual abuse and sex trafficking prevention training for educators and other school staff can facilitate interventions with students who may be at risk of sex trafficking or exploitation or experiencing sexual abuse. This measure will assist teachers and educational officers with resources to better protect Hawaii's children and young people from sexual abuse and sex trafficking throughout the State.

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. 1347 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 5. Noes, none. Excused, none. Human Services: Ayes, 5. Noes, none. Excused, none.

SCRep. 373 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 414

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 as a grant-in-aid 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, Office of the Prosecuting Attorney for the County of Hawai'i, and one individual.

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 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. 414 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. 374 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 417

The purpose and intent of this measure is to appropriate moneys as a grant-in-aid to the Department of the Prosecuting Attorney of the City and County of Honolulu for the Victim-Witness Assistance Program.

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 finds that the Victim-Witness Assistance Program provides direct support services to the victims and witnesses of crimes committed in Hawaii. Your Committee further finds that the Honolulu Victim-Witness Kokua Services has developed into one of the finest services of its kind in the country, helping over four thousand crime victims. Victims are usually the key witnesses in a case and without their testimony, criminals often could not be held responsible for their actions and would remain free to hurt others in the community. Your Committee believes that increased funding is necessary to maximize the effectiveness of this important program.

Your Committee has amended this measure by inserting an effective date of July 1, 2021.

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. 417, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 417, 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. 375 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 622

The purpose and intent of this measure is to require a court to sentence a person convicted of violating an injunction or restraining order or order of protection during the term of a stay-at-home order imposed by the State or a county in which the violation occurred to a mandatory minimum jail sentence of not less than thirty days and fine of not less than \$5,000.

Your Committee received testimony in support of this measure from the Hawai'i State Coalition Against Domestic Violence and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that the coronavirus disease 2019 pandemic has caused police, courts, and jails to reprioritize their use of personnel and resources. This can be emotionally and physically devastating for individuals with injunctions or temporary restraining orders who are harassed while a "stay-at-home" order is in place. In some cases, these individuals can become a hostage to their harasser with no real-time recourse, essentially creating an aggravated circumstance that warrants stricter penalties for violations. This measure will increase the penalties for the violation of a restraining order during a stay-at-home order in an attempt to protect victims from their harassers.

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. 622 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. 376 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 742

The purpose and intent of this measure is to require each county police department to collect certain data regarding police stops, uses of force, and arrests, and submit annual reports to the Legislature.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Civil Beat Law Center for the Public Interest, American Civil Liberties Union of Hawai'i, Society of Professional Journalists Hawaii Chapter, Young Progressives Demanding Action, Community Alliance on Prisons, and four individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Police Department.

Your Committee finds that, in 2016, the Washington D.C. Council unanimously passed the Neighborhood Engagement Achieve Results (NEAR) Act, which provides a comprehensive framework to promote public safety and reduce crime. Recognizing that a number of issues in communities have been criminalized, thus leading to high rates of incarceration and the breakdown of those communities, the NEAR Act consists of several tools and public safety initiatives designed to reduce violent crime, reform criminal justice provisions, and improve community-police relations. One of these tools is a requirement that the D.C. Metro Police Department collect data on felony crimes, stops and frisks, and use of force incidents in an effort to build transparency, increase community trust, and improve internal accountability and data analysis. This measure will require each county police department to collect certain data regarding police stops, uses of force, and arrests, to better determine conditions for situations of interest, such as trends in the use of force; safeguard law enforcement officers from injury; and thereby allow greater overall academic analysis of policing 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. 742 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. 377 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1042

The purpose and intent of this measure is to:

- (1) Repeal the existing provision that allows persons designated as covered offenders in another state or jurisdiction to petition the Attorney General for termination of sex offender registration requirements upon demonstrating that the out of state convictions are not covered offenses in the State of Hawaii:
- (2) Require certain long-term visitors to Hawaii with out-of-state convictions to register; and
- (3) Clarify how persons required to register can petition to terminate registration.

Your Committee received testimony in support of this measure from the Department of Public Safety, Department of the Attorney General, and Maui Police Department.

Your Committee finds that existing sex offender registration laws allow out-of-state persons who intend to reside or maintain a residence in Hawaii, visit Hawaii for ten or more days, or visit Hawaii for thirty or more days a year, and who have been or are required to be registered in another state as a sex offender, to avoid registration by establishing that they do not meet the criteria for registration as a covered offender in Hawaii because the out-of-state conviction in their state is not for a covered offense under Hawaii law. 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 a sexual offender 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 making 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. 1042, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1042, 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. 378 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1407

The purpose and intent of this measure is to:

- Require all members of the State Building Code Council to have significant experience and knowledge of building codes and the cost impacts of building code revisions;
- (2) Add two voting council members, representing the National Association of Industrial and Office Properties and the construction trade unions, respectively;
- (3) Require the State Building Code Council and its subcommittee to conduct a cost-benefit analysis prior to recommending state code amendments;
- (4) Require council members and the drafters of recommended state code amendments to disclose potential conflicts of financial interests;
- (5) Require the State Building Code Council to consult with builders of residential, commercial, and industrial buildings; and
- (6) Require the State Building Code Council to adopt the International Building Code every six years starting with the 2018 edition.

Your Committee received testimony in opposition to this measure from the State Fire Council and Honolulu Fire Department. Your Committee received comments on this measure from the Hawaii State Energy Office.

Your Committee finds that the State Building Code Council was established by Act 82, Session Laws of Hawaii 2007, to create and implement a uniform set of statewide building codes applicable to all construction in the State of Hawaii, which is now known as the Hawaii State Building Codes. Your Committee further finds that health and safety considerations related to the State Building Codes are matters of statewide concern.

Your Committee also finds that the State Building Code Council has struggled with limited funding and insufficient staffing since its creation. With most members being government officials lacking the required knowledge and experience. Amendments to the State Building Codes proposed by the private sector and others, especially amendments to codes that do not pertain to public health or safety, are often adopted without a cost benefit analysis; input from residential, commercial, and industrial builders; or consideration of the resulting increase in the overall cost of construction in Hawaii. This measure will ensure that knowledgeable and experienced members are making decisions as to the State 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. 1407 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. 379 Commerce and Consumer Protection on S.B. No. 1104

The purpose and intent of this measure is to increase the monetary amount an injured homeowner may recover from the Contractor's Recovery Fund.

Your Committee received testimony in support of this measure from the Contractors License Board. Your Committee received testimony in opposition to this measure from the Subcontractors Association of Hawaii.

Your Committee finds the Contractors Recovery Fund was created to provide financial assistance to homeowners injured by the act, representation, transaction, or conduct of a licensed contractor. Currently, the maximum amount of recovery from the fund is \$12,500 per contract, and the maximum payout per licensed contractor is \$25,000. However, due to increased construction costs, homeowners are increasingly unable to recoup some of their financial losses from the fund. Accordingly, this measure increases the maximum recovery amount to \$25,000 per contract, and the maximum payout per licensed contractor to \$75,000.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1104 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. 380 Commerce and Consumer Protection on S.B. No. 1094

The purpose and intent of this measure is to:

- (1) Mandate reporting of suspected financial exploitation of elders and vulnerable adults in relation to securities;
- (2) Provide immunity for good faith reporting; and
- (3) Authorize delay of disbursements and transactions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Maui Police Department, AARP Hawai'i, NAIFA Hawaii, LPL Financial, Securities Industry Association of Hawaii, Hawaii Credit Union League, and Securities Industry and Financial Markets Association. Your Committee received comments on this measure from the Department of Human Services and Office of Information Practices.

Your Committee finds that financial exploitation has been described as the fastest growing form of elder abuse, and the financial consequences for those who fall victim to financial exploitation are often devastating and irreparable. Older adults are susceptible to fraud and financial exploitation in part because they own sixty-seven percent of bank deposits in the United States, and they are also more vulnerable because of health status, cognitive ability, and social isolation. This measure is based on a model act that expands the State's securities laws to allow the Department of Commerce and Consumer Affairs to better protect Hawaii's elders and vulnerable adults from financial exploitation.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1094 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, 7. Noes, none. Excused, none.

SCRep. 381 Commerce and Consumer Protection on S.B. No. 1097

The purpose and intent of this measure is to establish provisions to allow nondepository trust companies to assist certain individuals with asset management services.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that there is a growing gap of consumers in Hawaii who need assistance with managing their assets but do not qualify for asset management services by banks or large investment firms, as their home may be their primary source of wealth. This measure will allow nondepository trust companies to serve as fiduciaries in the administration and management of assets for this

gap group, to be licensed, supervised, and examined by the Department of Commerce and Consumer Affairs Division of Financial Institutions.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1097, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1097, 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. 382 Commerce and Consumer Protection on S.B. No. 397

The purpose and intent of this measure is to broaden the state of mind element for certain offenses under chapter 486M, Hawaii Revised Statutes, relating to the responsibilities of pawnbrokers and secondhand dealers.

Your Committee received testimony in support of this measure from the Honolulu Police Department and Maui Police Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Hawaii Pawnbrokers Association, Hawaii Gold & Silver Company, Kamaaina Loan, and West Maui Gold and Loan.

Your Committee finds that police departments have been unable to successfully conduct enforcement of secondhand dealers purchasing stolen goods due to the high burden of proving the "knowingly" state of mind element required under existing law. Unscrupulous buyers are unwitting surrogates to conduct illegal transactions and avoid prosecution by claiming ignorance, and therefore there is no incentive to do their due diligence to scrutinize the items being offered for sale. The high frequency of burglaries and vehicle break-ins in the State are fueled in part by the ease in which stolen items are trafficked. Without this measure, it will continue to be a challenge to prosecute crimes in this area.

Your Committee notes the concerns raised in testimony that this measure may put secondhand dealers in a precarious position that could substantially impact their risk of being prosecuted for criminal acts when they did not have knowledge that property was stolen, and may make it even more challenging for law abiding citizens to quickly sell items to make ends meet in times of financial crisis. Your Committee finds these issues and concerns merit further consideration and requests that your Committee on Judiciary further examines those issues and concerns raised by the testifiers on this measure.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion;
- (2) Inserting a three-year sunset date; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 397, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 397, 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 (San Buenaventura). Noes, none. Excused, none.

SCRep. 383 Commerce and Consumer Protection on S.B. No. 1373

The purpose and intent of this measure is to:

- (1) Prohibit a creditor from initiating or continuing any action to garnish wages from a debtor during the period of an emergency proclamation and some time thereafter; and
- (2) Prohibit a creditor from garnishing more than ten percent of a debtor's wages for one year thereafter.

Your Committee received testimony in support of this measure from Hawaii Debt Solutions. Your Committee received testimony in opposition to this measure from the Hawaii State Bar Association Collection Law Section; Hawaii Credit Union League; Hawaii Financial Services Association; Hawaiian Collectors Association; PRA Group, Inc.; Receivables Management Association International; Hawaii Bankers Association; and Encore Capital Group.

Your Committee finds that many households, particularly those of the economically vulnerable, often depend on several incomes to make ends meet. Due to the economic devastation created by the coronavirus disease 2019 (COVID-19) pandemic, many of these households now have fewer incomes on which they can rely. Existing law allows creditors to garnish approximately twenty-five percent of a person's net wages, but for many in this State experiencing hardships related to COVID-19, that amount can directly impact whether a household can continue to pay for basic needs.

Your Committee notes the concerns raised in testimony that this measure, as currently drafted, appears to prohibit wage garnishments during any declared state of emergency. However, a future event that impacts only one region or county of the State may still result in the declaration of a statewide state of emergency, which could be overly prejudicial to creditors in unaffected areas. Furthermore, this measure currently prohibits garnishments regardless of whether the debtor can demonstrate that they have experienced a negative financial impact due to the emergency. Therefore, amendments to this measure are necessary to address these concerns. Your Committee further finds these issues 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) Clarifying that, after the covered period and sixty days following the termination of the covered period, for six months thereafter, it shall be unlawful for a creditor to garnish an amount exceeding ten percent of the debtor's wages;
- (2) Clarifying the definition of "debtor" to mean any individual obligated or allegedly obligated to pay any debt who can demonstrate that they have been negatively financially impacted by the COVID-19 pandemic;
- (3) Clarifying the definition of "emergency proclamation" to mean an emergency proclamation issued by the Governor in relation to the COVID-19 pandemic;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Inserting a repeal date of six months after the expiration of the Governor's emergency proclamation related to COVID-19, or on December 31, 2021, whichever occurs first.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1373, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1373, 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. 384 Commerce and Consumer Protection on S.B. No. 1388

The purpose and intent of this measure is to:

- (1) Extend the period for a notice of summary possession from five days to fifteen days;
- (2) Require landlords to enter into mediation and delay when a landlord may seek possession of a dwelling unit if the tenant schedules or attempts to schedule mediation;
- (3) Require landlords to provide the notice to mediation centers that offer free mediation for residential landlord-tenant disputes;
- (4) Restrict when a landlord may exercise these remedies depending on the amount of rent due; and
- (5) Repeal on June 1, 2022.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawai'i Association of REALTORS, Hawaii Appleseed Center for Law & Economic Justice, Legal Aid Society of Hawai'i, and one individual.

Your Committee finds that, since the start of the coronavirus disease 2019 pandemic, the caseload concerning landlord-tenant matters has doubled with nearly nine hundred cases being opened. The current environment for evictions due to non-payment has been, and will continue to be, very fluid as state and federal moratoriums for evictions due to non-payment of rent continue to be extended. However, at some time, the moratoriums will expire and the large number of eviction cases will need to be addressed by the courts. This measure provides for a balanced approach to encourage communications and facilitate mediation between landlords and tenants and a phased schedule to help ease the increased caseload.

Your Committee notes the concerns raised in testimony that this measure, as currently drafted, sets a firm date of May 1, 2021, for the beginning of the phase-out of the eviction moratorium. Because it is uncertain at this time when the Governor's final eviction moratorium may expire, this measure should be amended to provide for the possibility that the Governor or the federal government decide that public health requires an extension past May 1.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a purpose section;
- (2) Clarifying that the fifteen-calendar day notice shall identify the dwelling unit subject to the rental agreement;
- (3) Deleting language that would have provided a sample form for the fifteen-calendar day notice;
- (4) Clarifying that, in the event there is a defect in the fifteen-calendar day notice, the court may allow the landlord to cure the defect without dismissing the action for summary possession;
- (5) Conforming the dates for a landlord to issue a notice demanding payment of rent or to bring a summary possession action to a certain range of days following the expiration of the Governor's final eviction moratorium, depending on the number of months' rent due, to begin three days after the expiration of the Governor's final eviction moratorium;
- (6) Inserting a definition for the term "final eviction moratorium";
- (7) Inserting an effective date of upon approval;
- (8) Clarifying this measure shall repeal one year after the expiration date of the final eviction moratorium; 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1388, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1388, 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. 385 Commerce and Consumer Protection on S.B. No. 1135

The purpose and intent of this measure is to create a new chapter on "source of income" discrimination in rental transactions, including definitions and enforcement remedies by direct civil action.

Your Committee received testimony in support of this measure from the Department of Human Services, Office of Hawaiian Affairs, Hawai'i Civil Rights Commission, League of Women Voters of Hawaii, Hawai'i Health and Harm Reduction Center, Catholic Charities Hawai'i, St. Michael the Archangel Parish, Hawaii Appleseed Center for Law & Economic Justice, Imua Alliance, Neighborhood Place of Puna, and two individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS.

Your Committee finds that, prior to the coronavirus disease 2019 pandemic, Hawaii had a housing shortage at all price points. Many residents have been economically impacted by the pandemic and are facing evictions, pending the expiration of the eviction moratorium, due to their inability to pay rent. Consequently, additional individuals and families are looking for more affordable housing, and low-level income households will likely be further pushed out of the market. Residents with Section 8 vouchers have the added burden of finding an available rental that meets Section 8 program minimums. Many landlords in Hawaii, however, advertise "no Section 8" and discriminate against prospective tenants that have rental assistance vouchers. This measure, by creating a statutory prohibition against discrimination based on the source of income for rental payments, will promote greater access to stable housing for marginalized individuals and families. This measure will further bring Honolulu's rental market into alignment with other major metropolitan areas that already ban these discriminatory practices.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1135, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1135, 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. 386 Commerce and Consumer Protection on S.B. No. 925

The purpose and intent of this measure is to clarify that the secondhand dealers law applies to a secondhand dealer's operation of an automated recycling kiosk.

Your Committee received testimony in support of this measure from the Maui Police Department, Retail Merchants of Hawaii, TechNet, and ecoATM. Your Committee received testimony in opposition to this measure from the Honolulu Police Department, Hawaii Pawnbrokers Association, and Kamaaina Loan.

Your Committee finds that electronic waste kiosks, or automated recycling kiosks, provide a resource for consumers to sell their old cell phones, which are then collected and recycled or refurbished. Automated recycling kiosks have modernized electronic waste recycling and have diverted more than seven million pounds of electronic waste from local landfills across the country, at no cost to consumers or governmental agencies. However, existing law requires secondhand dealers to store property in the county for a certain holding period, which creates a barrier for the operators of the automatic recycling kiosks, due to the limited space within the kiosk, the safety risks of long storage time requirements, and other related logistical issues. This measure provides the necessary structure to bring Hawaii into alignment with the other forty-nine states that already recognize the use of automated recycling kiosks to purchase and recycle electronic devices.

Your Committee has heard the concerns raised in testimony that this measure, as currently drafted, should be placed into a different chapter of the Hawaii Revised Statutes, as automated recycling kiosks are a different type of business and industry compared to pawnbrokers and secondhand dealers. Your Committee further notes the concerns raised by the Honolulu Police Department concerning the importance of the retention period within the respective county, and requests that your Committee on Judiciary examine and consider these issues and concerns raised by the testifiers on this measure.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "automatic recycling kiosk" to include a device that:
 - (A) Purchases previously owned consumer hand-held electronic devices;
 - (B) Can be remotely opened upon request by law enforcement during normal business hours; and
 - (C) Electronically transmits transaction records to law enforcement within twenty-four hours from when the article was received;
- (2) Inserting an effective date of July 1, 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 925, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 925, 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 (Nishihara). Noes, none. Excused, none.

SCRep. 387 Commerce and Consumer Protection on S.B. No. 1149

The purpose and intent of this measure is to authorize establishment of an increased spending ceiling for the Dietician Licensure Special Fund through the state budgeting process to meet expanding program needs and diminish dependence on the general fund.

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

Your Committee finds that existing state law sets the spending ceiling for the Dietician Licensure Special Fund at \$30,000 per year. Spending varies from year to year based on the current fund balance and annual changes to revenue. Therefore, this measure provides the flexibility to adjust the spending ceiling through the budget process, rather than a statutory ceiling, to better meet licensee needs while being less dependent on general funds.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1149, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1149, 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. 388 Human Services on S.B. No. 192

The purpose and intent of this measure is to allow the Department of Human Services to administer and provide public assistance to eligible residents of the State during a governor-declared state of emergency.

Your Committee received comments on this measure from the Department of Human Services and one individual.

Your Committee finds that the ongoing coronavirus disease 2019 (COVID-19) pandemic has necessitated emergency action by the State to protect the health of Hawaii's residents and slow the spread of COVID-19. Your Committee further finds that COVID-19 and the necessary response have resulted in significant economic hardship to the people of Hawaii. Your Committee additionally finds that, even after the emergency response to COVID-19 is no longer necessary, future outbreaks and other public health disasters may require similar emergency responses from the State. This measure will allow the Department of Human Services to administer and provide public assistance to eligible residents during a declared state of emergency.

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. 192 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. 389 Human Services on S.B. No. 538

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 two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that when Act 387, Session Laws of Hawaii 1989, was enacted and codified as section 368-1.5, Hawaii Revised Statutes, it was meant to be the state counterpart to section 504 of the federal Rehabilitation Act of 1973, as amended, to provide a state remedy for disability discrimination and an alternative in situations in which federal remedies are also available. Your Committee further finds that the intent of section 368-1.5, Hawaii Revised Statutes, was originally, and is now, to give the Hawaii Civil Rights Commission jurisdiction over disability discrimination claims, even if protections under section 504 of the Rehabilitation Act, as amended, are available.

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. 538 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. 390 Human Services on S.B. No. 1127

The purpose and intent of this measure is to make an emergency appropriation from the general revenues of the State of Hawaii for fiscal year 2020-2021 to address the budget shortfall for the general support for the general assistance program (HMS 204) in the Department of Human Services.

Your Committee received testimony in support of this measure from the Department of Human Services, Governor's Coordinator on Homelessness, Catholic Charities Hawai'i, Hawaii Primary Care Association, and one individual.

Your Committee finds that due to the coronavirus disease 2019 pandemic and related economic crisis, current appropriations to the Department of Human Services' General Assistance (GA) program are insufficient to meet the needs of the high number of GA recipients. Your Committee further finds that the GA program is fully funded by the State, and that there are no federal funds available to support the program. Your Committee concludes that additional appropriations are urgently needed to cover the program's funding shortfall.

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. 1127 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. 391 Human Services on S.B. No. 1233

The purpose and intent of this measure is to allow persons with a mental illness to participate in the vending facilities program currently available to blind and visually handicapped persons pursuant to section 102-14, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Health and eleven individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Committee of Blind Vendors, National Federation of the Blind Hawaii, Hawaii Association of the Blind, Randolph Shepard Vendors of Hawaii, and fourteen individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that individuals living with serious mental illness should have the opportunities to pursue self-employment to improve their economic and health outcomes in a similar manner as individuals participating in the vending facilities program pursuant to section 102-14, Hawaii Revised Statutes, through the Department of Human Services, Division of Vocational Rehabilitation, Hoʻoponopono Services for the Blind Branch (Hoʻoponopono Services).

Your Committee finds that Ho'oponopono Services is designated by the United States Department of Education's Rehabilitation Services Administration as the state licensing agency for managing the federal Randolph-Sheppard Program to support eligible blind and visually impaired individuals to maintain vending stands through self-employment, also associated with their remunerative employment. There are no state-appropriated moneys in the program's account.

Your Committee further finds that this measure may inadvertently jeopardize Hoʻoponopono Service's receipt of federal Randolph-Sheppard funds for blind individuals. Testimony received by your Committee revealed that the proposed amendments incorporating persons with mental illness into the existing program's framework may cause confusion or federal scrutiny and lead Hoʻoponopono Services to lose its designation as a state licensing agency under the federal Randolph-Sheppard Act.

Therefore, your Committee has amended this measure by:

- (1) Replacing its contents with language received from the Department of Health to:
 - (A) Establish a two-year vendor facilities pilot program task force for vendors with serious mental illness within the Department of Health; and
 - (B) Require the vendor facilities pilot program task force to submit an annual report to the Governor and the Legislature not later than twenty days prior to the convening of the 2022 and 2023 regular sessions;
- (2) Including the Director of the Department of Accounting and General Services, or their designee, and the heads of the building facilities management departments of each county, or their designees in the pilot program;
- (3) Inserting an effective date of May 1, 2029, to encourage further discussion;
- (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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1233, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1233, 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 (Acasio, Misalucha). Noes, none. Excused, none.

SCRep. 392 Transportation on S.B. No. 768

The purpose and intent of this measure is to require rental car companies to incorporate zero emissions vehicles in their rental fleets at specific intervals until their fleets are one hundred percent zero-emission vehicles by 2035.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council, Hawaiian Electric Company, Americans for Democratic Action, Kauai Climate Action Coalition, Ulupono Initiative, Imua Alliance, 350Hawaii, Mission Zero Hawaii, Kauai Electric Vehicle Association, Hawaii Electric Vehicle Association, Blue Planet Foundation, and thirty-four individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation, Avis Budget Group, and Enterprise Holdings. Your Committee received comments on this measure from the Hawaii State Energy Office.

Your Committee finds that emissions from ground transportation account for one of the largest shares of greenhouse gas emissions in the State. Requiring rental car companies to include zero-emission vehicles in their rental fleets will help Hawaii in its goal to be one hundred percent zero-emission by 2045.

Your Committee has amended this measure by:

- (1) Removing language that required rental car lessors to transition to one hundred percent zero-emission vehicles by 2035;
- (2) Inserting language to create the Rental Car Modernization Task Force to submit reports and make recommendations to the Legislature in support of achieving a one hundred percent zero-emission rental fleet by 2035; 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 S.B. No. 768, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 768, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

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

SCRep. 393 (Joint) Transportation and Energy, Economic Development, and Tourism on S.B. No. 987

The purpose and intent of this measure is to convene a Sustainable Aviation Fuel Task Force to develop a state action plan to reduce the greenhouse gas emissions from international air transportation from the State.

Your Committees received testimony in support of this measure from Americans for Democratic Action, Imua Alliance, 350Hawaii, and two individuals. Your Committees received comments on this measure from the Office of Planning and Hawaii State Energy Office.

Your Committees find that the burning of aviation fuel during air travel is a significant contributor to greenhouse gas emissions and remains an impediment to meeting the State's Zero Emissions Clean Economy target by 2045. Accordingly, this measure will convene a Sustainable Aviation Fuel Task Force to develop a state action plan to reduce the greenhouse gas emissions from international air transportation from the State.

Your Committees have amended this measure by:

- (1) Placing the task force under the Hawaii Natural Energy Institute for administrative purposes, rather than within the Hawaii State Energy Office in the Department of Business, Economic Development, and Tourism;
- Removing the mandate to include federal agencies as task force members and replacing it with an invitation for federal agencies to join;
- (3) Adding language to allow the Hawaii Natural Energy Institute to invite other members to join the task force as they see fit; 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 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. 987, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 987, 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, Shimabukuro).

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

SCRep. 394 Ways and Means on S.B. No. 1092

The purpose and intent of this measure is to temporarily suspend the requirement for disposition of the conveyance tax to the land conservation fund and rental housing revolving fund for fiscal years 2021-2022 and 2022-2023.

Your Committee received testimony in support of this measure from the Department of Taxation, Department of Budget and Finance, and Hawaii Housing Finance and Development Corporation.

Your Committee received testimony in opposition to this measure from The Trust for Public Land, Hawaii's Thousand Friends, Conservation Council for Hawaii, Kuaaina Ulu Auamo, North Shore Community Land Trust, Hawaiian Islands Land Trust, Livable Hawaii Kai Hui, Maunalua Fishpond Heritage Center, and one individual.

Your Committee received comments on this measure from the Department of Land and Natural Resources, Tax Foundation of Hawaii, Molokai Land Trust, and The Nature Conservancy.

Your Committee finds that the devastating economic impact of the COVID-19 pandemic on state revenues, which will suffer an estimated decline of \$2.3 billion in fiscal biennium 2019-2021, necessitates action to preserve the solvency of the state general fund and ensure the continuation of critical government operations.

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. 1092, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1092, 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, 1 (Shimabukuro).

SCRep. 395 Ways and Means on S.B. No. 1240

The purpose and intent of this measure is to require the State to conform to those provisions of the federal Consolidated Appropriations Act, 2021, relating to taxable income and deductible expenses.

Your Committee received testimony in support of this measure from Chamber of Commerce Hawaii; Hawaii Restaurant Association; Island Plastic Bags, Inc.; Hawaii Food Industry Association; Maui Chamber of Commerce; Hawaii Lodging and Tourism Association: Hawaii Association of Public Accountants; and one individual.

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

Your Committee finds that the federal Paycheck Protection Program helped tens of thousands of businesses in the State to shoulder the economic downturn caused by the coronavirus disease 2019 (COVID-19) pandemic. Your Committee further finds that this measure will provide much-needed tax relief to small businesses that continue to struggle in the current economic climate, by allowing businesses to deduct, from their Hawaii taxes, those payroll and other business expenses paid using Paycheck Protection Program loan proceeds.

Your Committee has amended this measure by:

- (1) Correcting the name of the Consolidated Appropriations Act, 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. 1240, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1240, 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, 1 (Shimabukuro).

SCRep. 396 Commerce and Consumer Protection on S.B. No. 65

The purpose and intent of this measure is to:

- (1) Allow direct shipment of all forms of liquor, rather than just wine, by certain licensees; and
- (2) Require the county liquor commissions to adopt rules and regulations.

Your Committee received testimony in support of this measure from the Hawaiian Craft Brewers Guild, Lanikai Brewing Company, Mahalo Aleworks, Waikiki Brewing Company, Kaua'i Island Brewing Company, Kōloa Rum Co., Big Island Brewhaus, Kauai Beer Company, Hawai'i Farm Bureau, Maui Brewing Co., Maui Chamber of Commerce, Distilled Spirits Council of the United States, and four individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association, Hawaii Liquor Wholesalers Association, and Wine Institute.

Your Committee finds that craft beer manufacturers across the State have experienced significant economic challenges during the coronavirus disease 2019 (COVID-19) pandemic due to reduced sales and lost income. 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 manufactures 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. As direct shipment of wine is already permitted, this measure provides parity and will allow craft beer producers and other liquor manufactures 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.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 65, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 65, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 397 Commerce and Consumer Protection on S.B. No. 610

The purpose and intent of this measure is to:

- (1) Prohibit a public member of any board or commission under the Department of Commerce and Consumer Affair's purview from being engaged in the occupation that the board or commission regulates or having other direct legal or financial interests in the regulated occupation; and
- (2) Specify that public members represent the public interest.

Your Committee received testimony in support of this measure from 'Oia'i'o Condo Owners Coalition of Hawaii. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that public members of a board or commission should strictly represent the public interest. Accordingly, a public member of any board or commission administratively attached to it should be prohibited from being engaged in or having a direct financial interest in the occupation that the board or commission regulates. Your Committee, however, heard the concerns raised in testimony that this measure may be overly broad and could unintentionally restrict well-qualified individuals from serving as public members on a board or commission. Accordingly, amendments to this measure are necessary to address this concern.

Your Committee has amended this measure by:

- Clarifying that a public member shall not be associated with a member of the occupation that the board or commission regulates that results in a material conflict of interest, an appearance of impropriety, or a reasonable suspicion that the public member does not represent the public interest; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 610, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 610, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 398 Commerce and Consumer Protection on S.B. No. 784

The purpose and intent of this measure is to:

- (1) Specify notice requirements for a regular annual or special meeting of a cooperative housing corporation; and
- (2) Allow the annual meetings and election of board members of cooperative housing corporations, planned community associations, and condominium associations to be conducted by videoconferencing in the event of a pandemic or other similar unforeseen circumstance that prevents owners from physically gathering for a meeting.

Your Committee received testimony in support of this measure from Associa, Community Associations Institute, Hawaii State Association of Parliamentarians Legislative Committee, Hawaii Council of Associations of Apartment Owners dba Hawaii Council of Community Associations, Honolulu Tower AOAO, and four individuals. Your Committee received comments on this measure from one individual.

Your Committee finds the coronavirus disease 2019 (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.

Your Committee notes concerns raised in testimony that the amendments to chapter 4211, Hawaii Revised Statutes, proposed by this measure are not necessary, as other sections of Hawaii Revised Statutes already authorize meetings for these entities to be held remotely. Further, the term "video conferencing" may be too restricting and does not correlate with the newest edition of Robert's Rules of Order, which instead uses the term "electronic meetings." Additionally, the applicability of the provisions contemplated by this measure should be limited to official, governmental declarations of emergency to prevent ambiguity and abuse. Therefore, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Deleting sections of the measure that would have made amendments to chapter 421I, Hawaii Revised Statutes;
- (2) Clarifying that, for planned community associations, in the event a state of emergency declared pursuant to chapter 127A, Hawaii Revised Statutes, is in effect in the county in which the association is located that prevents members from physically gathering for an annual meeting or special meeting, the association may conduct the meeting remotely and in a manner consistent with sections 414D-101(g) or 414D-102(f), Hawaii Revised Statutes, as applicable;
- (3) Clarifying that, for condominium association meetings, electronic meetings and electronic or mail voting shall be authorized during any period in which a state of emergency, declared pursuant to chapter 127A, Hawaii Revised Statutes, is in effect in the county in which the association is located, regardless of what the declaration or bylaws provide;
- (4) Clarifying that a board may permit any meeting to be conducted by any means of communication through which all directors participating may simultaneously hear each other during the meeting; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 784, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 784, 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 (Misalucha).

SCRep. 399 Commerce and Consumer Protection on S.B. No. 799

The purpose and intent of this measure is to:

(1) Make condominium laws regarding sales to owner-occupants inapplicable to time share units; and

(2) Increase 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 ninety percent.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from Associa.

Your Committee finds that given the overall lack of affordable housing options for Hawaii residents, additional policies are necessary to promote owner-occupancy of new condominium developments. This measure assists in increasing the housing pool for local residents and encourages developers to meet the State's dire need for affordable housing. Your Committee heard the concerns raised in testimony that the ninety percent increase may be too high and may have the unintended consequence of discouraging development. Accordingly, amendments to this measure are necessary to address this concern.

Your Committee has amended this measure by:

- (1) Lowering 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 ninety to sixty-seven percent; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 799, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 799, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Misalucha).

SCRep. 400 Ways and Means on S.B. No. 220

The purpose and intent of this measure is to require service-learning for public high school students.

Specifically, the measure requires the Department of Education to implement a mandatory service-learning curriculum that:

- (1) Specifies a minimum number of community service volunteer work hours;
- (2) Includes instructional practices;
- (3) Aligns with common core state standards and is integrated into the standards-based curriculum;
- (4) Includes reflection on the volunteer experience;
- (5) Is specific to each grade level; and
- (6) Is publicly available on the Department of Education website.

Your Committee received written comments in support of this measure from the Democratic Party of Hawaii Education Caucus and

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

Your Committee finds that requiring students to participate in community service volunteer work that is integrated with a standards-based curriculum will help students to develop character, values, self-esteem, civic responsibility, financial literacy, and knowledge of community issues.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 220, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Shimabukuro, Taniguchi).

SCRep. 401 Ways and Means on S.B. No. 806

The purpose and intent of this measure is to require the Attorney General to institute proceedings on behalf of the Department of Education to acquire by voluntary action or by condemnation certain land owned by the Mililani Town Association.

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

Your Committee received written comments in opposition to this measure from the Department of the Attorney General.

Your Committee finds that the Mililani Town Association owns parcels of land near Mililani High School. The school intends to use these parcels to 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 S.B. No. 806 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Inouye).

SCRep. 402 Ways and Means on S.B. No. 29

The purpose and intent of this measure is to propose 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.

Your Committee received written comments in support of this measure from Faith Action Housing NOW!, Maui Chamber of Commerce, Imua Alliance, and one individual.

Your Committee finds that housing is a basic necessity and a foundation for stable families and strong communities, and that planning for the production of enough housing to meet demand should therefore be prioritized in the population growth management activities of the State and its political subdivisions.

Your Committee has amended this measure by:

- (1) Clarifying that the management of population growth by the State and its political subdivisions shall include:
 - (A) Planning for the production of enough housing to meet demand; and
 - (B) Striving to ensure that housing production is sufficient to meet planned demand;
- (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. 29, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 29, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 403 Ways and Means on S.B. No. 715

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Pueo Development, LLC, a Hawaii limited liability company, with designing, building, and operating a master planned development on lands under the jurisdiction of the Department of Hawaiian Home Lands.

Your Committee received written comments in support of this measure from the Department of Hawaiian Home Lands; Pueo Development, LLC; Waiohuli Economic Development Opportunities; the Hawaiian Affairs Caucus of the Democratic Party of Hawaii; and two individuals.

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

Your Committee finds that assisting Pueo Development by issuing special purpose revenue bonds will provide the public with the benefits of a master planned community without investment or operational risk to the State or counties.

Your Committee has amended this measure by:

- (1) Changing the authorized amount of the special purpose revenue bonds from \$80,000,000 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. 715, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 715, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 404 Ways and Means on S.B. No. 772

The purpose and intent of this measure is to authorize the issuance to any registered owner of a motor vehicle special number plates to benefit forest and ocean conservation.

More specifically, this measure:

- (1) Authorizes the Director of Finance of each county to issue special number plates to benefit forest and ocean conservation;
- Requires the Director of Finance of the City and County of Honolulu to design the special number plates based on certain guidelines;
- (3) Requires the Director of Finance of each county to charge a special number plate fee and fundraising fee;
- (4) Provides that the revenue generated by the applicable fundraising fees be deposited into the forest stewardship fund, for special number plates issued to benefit forest conservation, or the beach restoration special fund, for special number plates issued to benefit ocean conservation; and
- (5) Increases the special number plate initial application and renewal fees from \$25 to \$100.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Surfrider Foundation Maui Chapter, Surfrider Foundation Oahu Chapter, and numerous individuals.

Your Committee finds that Hawaii's forests, beaches, and nearshore waters are culturally and naturally unique and vital to maintaining the health and well-being of Hawaii's residents. Your Committee believes that providing dedicated funding sources for forest and ocean conservation will help to ensure that Hawaii's forests, beaches, and nearshore waters are adequately managed and maintained

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 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. 772, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 772, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 405 Ways and Means on S.B. No. 1385

The purpose and intent of this measure is to require the Department of Education to develop plans to provide public school students with centralized transportation services and more locally produced food in school meals.

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

Your Committee finds that centralized transportation services will help to increase efficiency in the Department of Education. Your Committee further finds that increasing the amount of locally produced food served to public school students will help to provide fresher and healthier meals while also supporting local farmers.

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. 1385, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1385, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 406 Judiciary on S.B. No. 383

The purpose and intent of this measure is to appropriate funds for operating and capital improvement costs of the Judiciary for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023.

Your Committee received testimony in support of this measure from the Judiciary; Hawaii State Bar Association, Kauai Bar Association; Hawaii County Bar Association; Appellate Section of the Hawaii State Bar Association; Environment, Energy, and Resources Section of the Hawaii State Bar Association; Farrell and Perrault Family Law Attorneys, LLC; Hawaii Veterans Legal Services; and two individuals. Your Committee received comments on this measure in a petition signed by twenty-six former presidents of the Hawaii State Bar Association.

Your Committee finds that the appropriations made by this measure will assist the Judiciary in its efforts to fulfill its constitutional and statutory duties for the 2021-2023 fiscal biennium.

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. 383 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. 407 (Joint) Higher Education and Energy, Economic Development, and Tourism on S.B. No. 1421

The purpose and intent of this measure is to:

- (1) Create a Dual Use Technology Task Force within the Department of Business, Economic Development, and Tourism consisting of representatives from the University of Hawaii, Hawaii Technology Development Corporation, Department of Labor and Industrial Relations Workforce Development Task Force, and Hawaii's technological and business community to:
 - (A) Explore potential research on technologies that can be used for both peaceful and military purposes, also known as "dual use technology", and development projects for technology companies;
 - (B) Establish high-growth new venture company infrastructure development for dual use technology companies; and
 - (C) Create ideas for high-income job opportunities for Hawaii residents and graduates of the State's educational institutions;
- (2) Require the Dual Use Technology Task Force to submit preliminary and final reports of its findings and recommendations, including any proposed legislation, to the Legislature prior to the convening of the regular sessions of 2023 and 2025, respectively; and
- (3) Appropriate funding for the operation and administration of the Dual Use Technology Task Force.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; University of Hawai'i System; Hawaii Technology Development Corporation; Hyperspective Studios, Inc.; Nalu Scientific, LLC; Oceanit; and Premier Solutions HI, LLC. Your Committees received comments on this measure from one individual.

Your Committees find that technologies developed for military use have been and continues to be appropriated by businesses for commercialization with extraordinary success. However, the State's heavy dependence on its tourism and hospitality industry has taken its focus away from developing innovative concepts and new approaches to technology, as well as availing itself to the extraordinary opportunity to take advantage of the strong military presence in the State and the research conducted on its behalf. The establishment of the Dual Use Technology Task Force will promote the development of the dual use technology industry in Hawaii that is essential to the recovery, continued growth, and diversification of the State's economy.

Your Committees also acknowledge the testimonies regarding certain initiatives being taken by the Hawaii Technology Development Corporation and University of Hawaii, such as the Hawaii Small Business Innovation Research program that assists many Hawaii dual use technology businesses in securing federal Small Business Innovation Research funding, and the Hawaii Tech Bridge program, which is a new partnership with the Naval Information Warfare Center Pacific to facilitate new opportunities for Hawaii technology companies, including dual use technology companies, to provide solutions to the U.S. Navy. Your Committees recognize the concerns raised in the testimonies regarding the establishment of the Dual Use Technology Task Force affecting these priorities set forth in the Executive Budget.

Accordingly, your Committees have amended this measure by:

- (1) Deleting section 3 to eliminate the appropriation for the operations and administration of the Dual Use Technology Task Force;
- (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 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. 1421, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1421, 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, 5. Noes, none. Excused, none. Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Lee).

SCRep. 408 (Majority) Education on S.B. No. 816

The purpose and intent of this measure is to:

- (1) Create a state lottery;
- (2) Create the state lottery commission, state lottery account, and lottery administration account; and
- (3) Require certain amounts of lottery revenues to be deposited into the administrative account, general fund, and special funds for university facilities and operations and public school operations.

Your Committee received testimony in support of this measure from four individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department, Department of Commerce and Consumer Affairs, Department of the Prosecuting Attorney for the City and County of Honolulu, Hawaii Family Forum, and four individuals. Your Committee received comments on this measure from the Department of Education, Department of Budget and Finance, University of Hawai'i System, and Tax Foundation of Hawaii.

Your Committee finds that compared to other states, Hawaii is unique because the State, rather than a county or local level jurisdiction, is responsible for the full cost and administration of public education. As a result, funding for public education in Hawaii is primarily sourced from the State's general fund. Your Committee further finds that public education in Hawaii is not adequately funded and continuous underfunding of public schools undermines the State's goal of providing a quality education to all of Hawaii's children. This measure creates a lottery to provide a new means for funding Hawaii's public education system and ensure that the State will be able to prepare children to meet the social and economic demands of the twenty-first century.

Your Committee has amended this measure by:

- (1) Specifying that the earliest date that the lottery may commence is prior to January 1, 2023, rather than prior to January 1, 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 Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 816, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 816, 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 (Kim). Excused, none.

SCRep. 409 Commerce and Consumer Protection on S.B. No. 1282

The purpose and intent of this measure is to:

(1) Establish the offense of theft of catalytic converter as a class C felony;

- (2) Define "catalytic converter", "catalytic metals", and "scrap catalytic converter";
- (3) Require sellers of scrap catalytic converters and catalytic metals to provide receipts and notarized declarations to the scrap dealer:
- (4) Prohibit scrap dealers from purchasing scrap catalytic converters and catalytic metals without the seller providing a receipts and notarized declaration; and
- (5) Require scrap dealers to report to the police certain attempted sales of catalytic converters or catalytic metals.

Your Committee received testimony in support of this measure from the Hawaii Automobile Dealers Association; Schnitzer Steel Hawaii; Roberts Hawaii; Hakuyosha International, Inc.; Island Recycling, Inc.; American Property Casualty Insurance Association; National Insurance Crime Bureau; and five individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the value of precious metals in catalytic converters is fueling a dramatic upswing in thefts, especially from vehicle dealerships and fleet operations. Installing a replacement catalytic converter can cost hundreds to thousands of dollars, and because thieves try to remove the converters quickly, their hastiness often causes repair costs to be higher due to other areas of the car being damaged. This measure adds requirements for a paper trail when purchasing catalytic converters to properly identify sellers and makes theft of a catalytic converter a class C felony to deter this destructive theft of property.

Your Committee notes the concerns raised in testimony that this measure, as currently drafted, proposes to include scrap catalytic converters in the scrap dealer provisions of chapter 445, Hawaii Revised Statutes. However, licensed scrap dealers are not authorized to deal in used motor vehicle parts. Therefore, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- Moving the language requiring a written statement, notarized declaration, receipt, and other documentation from chapter 445, Hawaii Revised Statutes, to chapter 289, Hawaii Revised Statutes, which regulates used motor vehicle parts and accessories;
- (2) Clarifying that the seller's requirement to provide a receipt or notarized declaration does not apply to manufacturing, industrial, or other commercial vendors that generate or sell catalytic converters in their ordinary course of business, such as licensed scrap dealers, towing companies, or muffler repair shops;
- (3) Clarifying that a person commits the offense of theft of catalytic converter if the person obtains, receives, retains, disposes of, or exerts unauthorized control over a catalytic converter through any means described in section 708-830, Hawaii Revised Statutes; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1282, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1282, 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. 410 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 529

The purpose and intent of this measure is to:

- (1) Establish the right of persons to record law enforcement activities; and
- (2) Establish a private right of action for violations of the right.

Your Committee received testimony in support of this measure from the Office of the Public Defender, American Civil Liberties Union of Hawai'i, Young Progressives Demanding Action, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that Hawaii law and the United States Constitution afford an individual the right to record law enforcement officers. However, there is nothing to prevent law enforcement from interfering with an individual's right to do so. Without consequences, law enforcement may continue to unconstitutionally prevent individuals from recording their activities. This measure will ensure that individuals have the right to record law enforcement activities and create a civil cause of action if law enforcement interferes with that right.

Your Committee has amended this measure by:

- (1) Specifying that "law enforcement officer" means any public servant, whether employed by the State or subdivisions thereof or by the United States, vested by law with a duty to maintain public order or, to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses; 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. 529, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 529, 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. 411 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 765

The purpose and intent of this measure is to:

- (1) Define "highly intoxicated driver";
- (2) Provide the evidentiary standard for establishing that a person was a highly intoxicated driver;
- (3) Require 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 the applicable period of license revocation;
- (4) Increase the license revocation period ordered by the Administrative Driver's License Revocation Office and extend the applicable lookback periods from five to ten years;
- (5) Establish higher penalties for a highly intoxicated driver operating a vehicle; and
- (6) Establish higher penalties for offenses of operating a vehicle under the influence of an intoxicant.

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, Honolulu Police Department, Maui Police Department, MADD Hawaii, Hawaii Strategic Highways Safety Plan Core Committee, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Malolo Charters, and one individual.

Your Committee finds 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 drive while intoxicated. This measure aims to strengthen the current law regarding operating a vehicle under the influence of an intoxicant.

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. 765, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 765, 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. 412 (Majority) Public Safety, Intergovernmental, and Military Affairs on S.B. No. 767

The purpose and intent of this measure is to:

- (1) Legalize the personal use, possession, and sale of cannabis in a specified quantity;
- (2) Require licensing to operate cannabis establishments; and
- (3) Subject cannabis establishments to excise taxes and income taxes.

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, Young Progressives Demanding Action, Democratic Party of Hawai'i Education Caucus, National Organization for the Reform of Marijuana Laws, Imua Alliance, and twenty-two individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department, Maui Police Department, Hawai'i Public Health Institute, Coalition for a Drug-Free Hawaii, Hawaii Family Forum, and Hawaii Hotel Visitor Industry Security Association. Your Committee received comments on this measure from the Department of Taxation, Department of Public Safety, Tax Foundation of Hawaii, and Mothers Against Drunk Driving Hawaii.

Your Committee finds that fifteen states and the District of Columbia have legalized the recreational use of marijuana by adults, and that others are in the process of considering legalization. Your Committee further finds that legalization in these states has avoided the criminalization of thousands of people, reduced opioid overdose deaths and untreated opioid use disorders, and lowered the number of arrests for driving under the influence of alcohol and other drugs. Your Committee additionally finds that recent polling indicates broad public support in Hawaii for the legalization of marijuana. This measure legalizes cannabis for personal and recreational use.

Your Committee notes the concerns of the Department of Taxation and Hawaii Public Health Institute that the Department of Health, not Department of Taxation, should be the appropriate agency tasked with establishing rules and regulations. Your Committee also notes the Hawaii Public Health Institute's concern regarding the adoption of certain regulations, which should be addressed during the rulemaking process.

Your Committee has amended this measure by:

- (1) Specifying that consumption of flavored e-liquids and juices containing cannabis for vaporizing devices is prohibited;
- (2) Specifying that personal use of cannabis shall not occur on public highways, public sidewalks, or federal property;
- (3) Specifying that cannabis products are required to be contained in generic packaging that uses only black lettering and contain no colors, pictures, cartoons, or images that might appeal to children and youth;
- (4) Specifying that cannabis advertising is prohibited near youth-centered areas such as parks, schools, recreational facilities, public transit stations, and bus stops; 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. 767, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 767, 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 (Riviere). Noes, 1 (Fevella). Excused, none.

SCRep. 413 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1046

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 Law Enforcement Standards Board to complete its responsibilities; and
- (3) Provide appropriate funds and resources to enable the Law Enforcement Standards Board to accomplish its mission.

Your Committee received testimony in support of this measure from the Department of Taxation, Department of the Attorney General, Department of Land and Natural Resources, Hawai'i Police Department, and one individual. Your Committee received testimony in opposition to this measure from the Young Progressives Demanding Action and one individual. Your Committee received comments on this measure from the Department of Public Safety.

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 Law Enforcement Standards 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. This measure will provide the Law Enforcement Standards Board with the necessary resources to comply with its statutory requirements.

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. 1046, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1046, 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. 414 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1381

The purpose and intent of this measure is to:

- (1) Establish a Special Intergovernmental Task Force to eradicate illegal gambling and drug activities and to establish community safe zones across the State; and
- (2) Require a report to the Legislature.

Your Committee received testimony in support of this measure from the Waikiki Neighborhood Board No. 9, Hawaii Family Forum, and seven individuals. Your Committee received testimony in opposition to this measure from the Maui Police Department. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee acknowledges the harmful effects of illegal gambling and drug houses that exist in communities across the State. These effects include an increase in other criminal activities such as crimes of violence and sex trafficking. Your Committee believes that rather than attempting to address these criminal activities in a piecemeal fashion, an intergovernmental task force encompassing federal, state, and county agencies should be established to engage in an organized, collaborative effort to examine relevant issues, determine the resources needed to address these issues, and devise a coordinated action plan.

Your Committee has amended this measure by:

- (1) Specifying that in fulfilling its duties, the Special Intergovernmental Task Force shall consider the necessary resources and legislative actions that may be necessary to accomplish certain goals and activities; 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. 1381, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1381, 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. 415 Higher Education on S.B. No. 613

The purpose and intent of this measure is to help address the shortage of physicians in rural and medically underserved areas of the State. Specifically, the measure:

- (1) Repeals the requirement that no less than fifty percent of the physician workforce assessment fees deposited into the University of Hawaii John A. Burns School of Medicine (JABSOM) Special Fund be used for purposes identified by the Hawaii Medical Education Council;
- (2) Repeals the monetary cap on expenditures from the JABSOM Special Fund used to support physician workforce assessment and planning efforts, including the recruitment and retention of physicians for rural and medically underserved areas of the State; and
- (3) Authorizes the JABSOM Special Fund to provide:
 - (A) Loan repayment to physicians who commit to working in medically underserved areas of the State as part of the Health Care Provider Loan Repayment Program administered by JABSOM; and
 - (B) Scholarships for qualifying medical students.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, University of Hawai'i System, Hawaii Medical Association, Hawai'i Primary Care Association, and The Queen's Health Systems. Your Committee received comments on this measure from the Hawaii Medical Board.

Your Committee finds that Hawaii faces a critical need for recruitment and retention of physicians to serve in rural and medically underserved areas of the State. The shortage of physicians is compounded by the fact that Hawaii's physician workforce is the fifth oldest of all the states, of which a majority will be over the age of sixty-five within ten years. Your Committee also finds that the increasingly high cost of education for healthcare professionals binds graduates to practice in highly specialized fields of care in urban areas that provide sufficient income to repay costly student loans, rather than in general practice on the neighbor islands or in rural areas of the State where need for their service is greatest. Your Committee further finds that the physician shortage in Hawaii was exacerbated by the coronavirus disease 2019 pandemic. In 2020, at least one hundred ten physicians retired, one hundred thirty-nine left the State, one hundred twenty decreased their work hours, and eight passed away.

Your Committee further finds that the Physician Workforce Assessment Project administered by JABSOM has been providing physicians in Hawaii with various workforce services, including loan repayment for physicians working in areas of need, recruitment advertisement, preparation of local students for medical school, and education on the issue of physician shortage. According to the University of Hawai'i Systems, the funding for the project is limited to what is provided by the JABSOM Special Fund. Funding for the project is statutorily capped at \$245,000 per year, despite the JABSOM Special Fund being well funded from the \$60 relicensing fees paid by all physicians in Hawaii. As such, the fund currently has a reserve of \$500,000 that cannot be accessed.

This measure will help the Physician Workforce Assessment Project to address the shortage of physicians in rural and medically underserved areas of the State by allowing more funds to be used to support the project and expanding the purposes for which the funds may be used to include loan repayment to physicians who commit to working in medically underserved areas of the State and scholarships to qualifying medical students.

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. 613, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 613, 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. 416 Higher Education on S.B. No. 1024

The purpose and intent of this measure is to create a Cannabinoid Medicine Program within the University of Hawaii to be administered by the University of Hawaii John A. Burns School of Medicine (JABSOM).

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from JABSOM.

Your Committee finds that there are over thirty thousand people registered as medical cannabis patients in Hawaii, creating a need for expertise in the field of cannabinoid medicine to facilitate the exchange of education and research information related to the state-authorized use of cannabis for medical purposes in Hawaii. This measure will satisfy this need by creating a Cannabinoid Medicine Program within the University of Hawaii to be administered by JABSOM.

Your Committee notes the testimony from JABSOM stating that the new program is unnecessary as it would be duplicative of JABSOM's existing faculty with expertise in substance abuse, which includes substances such as marijuana, tetrahydrocannabinol, and cannabinols; curriculum on substance use, chronic pain management, management of side effects of chemotherapy, and medical cannabis; and residency and fellowships programs, such as the fellowships on Addition Psychiatry and Addiction Medicine. However, your Committee also acknowledges other testimony that distinguishes the existing programs at JABSOM from the Cannabinoid Medicine Program that will be created under this measure. Specifically, the existing programs at JABSOM are a part of the school's substance abuse and addictive psychiatry programs, whereas the new program will focus more on research and education related to the authorized use of cannabis for medical purposes and will include a certified cannabinoid medicine specialist as part of its faculty.

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. 1024 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. 417 Human Services on S.B. No. 534

The purpose and intent of this measure is to provide special needs voters with a means to authenticate an electronic transmission of a replacement ballot that does not include the voter's handwritten signature or waiver of secrecy.

Your Committee received testimony in support of this measure from the Office of Elections, Disability Communication and Access Board, National Federation of the Blind of Hawaii, and two individuals. Your Committee received testimony in opposition to this measure from seven individuals. Your Committee received comments on this measure from Common Cause Hawaii and two individuals.

Your Committee finds that this measure ensures voter accessibility. According to the Help America Vote Act of 2002 (HAVA), accessible voting systems must provide voters with disabilities the same opportunity for access and participation, including privacy and independence, that other voters receive. Your Committee also finds that election officials implemented an HTML ballot in 2018 that allowed uniform and overseas voters and mail voters within five days of the election to receive and vote a ballot that could be marked on a personal device, phone, tablet, or computer. Further, your Committee finds that after marking the HTML ballot, the voter would print it, sign a waiver of secrecy, and return it by mail or electronically. As determined by the Committee, the secrecy waiver is a standard document associated with voting by electronic transmission across the country. By implementing these expanded means of voting, this measure will provide voters with special needs a means by which they can more easily participate in elections.

Your Committee heard the concerns of Common Cause Hawaii regarding the need for security in the voting process. Accordingly, your Committee has amended this measure by:

- (1) Removing the provisions that made the voter's handwritten signature or a waiver of secrecy not required for purposes of electronic authentication; and
- (2) Inserting an effective date of May 1, 2029, 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 S.B. No. 534, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 534, 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. 418 Human Services on S.B. No. 597

The purpose and intent of this measure is to help defray the expensive costs of a political candidate's dependent family care and child care, by allowing candidates seeking election to use campaign funds, in limited circumstances, for child care costs.

Your Committee received testimony in support of this measure from Common Cause Hawaii, AAUW of Hawaii, and eight individuals.

Your Committee finds that parenthood and care for one's dependents should not be a barrier to political office. One solution to this unnecessary obstacle is to allow candidates for elected office to use campaign funds to defray the expensive costs of a candidate's child care or dependent family care. Your Committee also finds that a growing number of candidates and good governance organizations are pushing state legislatures and elections commission to adopt similar proposals because it would encourage more women and low-income candidates to run for public office by clearing a restrictive financial barrier for parents and caregivers. Accordingly, your Committee finds that this measure will reduce that cost barrier by allowing candidates more flexibility in how they use campaign funds.

Your Committee has amended this measure by:

- (1) Expanding the covered family care costs to include the care of a candidate's vital household dependents, such as family members living in the candidate's household who are physically or mentally incapable of self-care; and
- (2) Inserting an effective date of May 1, 2029, 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 S.B. No. 597, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 597, 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. 419 Human Services on S.B. No. 838

The purpose and intent of this measure is to improve the Kupuna Caregivers Program by providing additional work eligibility options for caregivers to support their loved ones, especially during the hardship placed on families during the coronavirus disease 2019 (COVID-19) pandemic.

Your Committee received testimony in support of this measure from the Department of Health, Executive Office on Aging, Department of Human Services, AARP Hawaii'i, Hawaii Family Caregiver Coalition, Policy Advisory Board for Elder Affairs, Alzheimer's Association, Faith Action for Community Equity, Hawaii Alliance for Retired Americans, and nineteen individuals.

Your Committee finds that in 2017, the Legislature established the Kupuna Caregivers Program in the Executive Office on Aging to focus on working caregivers and provide assistance to enable them to remain in the workforce. Your Committee also finds that the hardships imposed on families during the COVID-19 pandemic require some flexibility in the Kupuna Caregivers Program. Further, your Committee finds that work eligibility requirements and service options of the Kupuna Caregivers Program must be adjusted. Accordingly, your Committee finds that the change to the work eligibility requirement during a governor-proclaimed state of emergency would allow working caregivers whose work hours have been reduced to less than thirty hours per week to continue to receive needed caregiving support in times of uncertainty, such as during the COVID-19 pandemic. Finally, your Committee finds that the addition of Kupuna Caregiver-Directed services as an option in the Kupuna Caregivers program would allow the participants to direct their services and to address their needs with a monthly-budgeted dollar amount, instead of receiving services through a contracted provider.

Your Committee has amended this measure by:

- (1) Deleting language that would have given the Executive Office on Aging the authority to eliminate the work hour requirement for a "qualified caregiver", as requested by the Office;
- (2) Inserting an effective date of May 1, 2029, 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 838, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 838, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 420 Human Services on S.B. No. 886

The purpose and intent of this measure is to reduce the secondary traumatization of long-term consequences for children and minors providing testimony at trial concerning abuse they have either experienced or witnessed, where the perpetrator is an adult.

Your Committee received testimony in support of this measure from Rainbow Family 808, Hawaii Family Advocacy Team, and six individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that the right to a speedy criminal trial is a fundamental element of our state and federal constitutions. However, your Committee also finds that victims and witnesses in cases involving a sexual offense charged under part V of chapter 707, Hawaii Revised Statutes, should also have a right to a speedy trial that is subordinate only to a defendant's constitutional rights. Your Committee further finds that when considering a motion to postpone a trial in any of these cases, the court should consider the totality of the circumstances, including any substantial adverse impact that postponing the trial may have on the victim or witness, particularly if the trial has been postponed once before. Accordingly, your Committee finds that this measure is designed to preserve the fundamental trial rights of criminal defendants, while also protecting victims and witnesses of sexual offenses committed by an adult from undue delay at trial that may adversely impact their well-being.

Your Committee recognizes that delays in cases involving child victims and child witnesses are due to trial judges, defense bar, and prosecuting attorneys alike, and therefore, your Committee has amended this measure by:

- (1) Removing sanctions against defense counsel for failure to timely prepare for trial;
- (2) Inserting an effective date of May 1, 2029, 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 886, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 886, 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 (Acasio). Noes, none. Excused, none.

SCRep. 421 (Joint) Hawaiian Affairs and Water and Land on S.B. No. 1124

The purpose and intent of this measure is to allow the Department of Hawaiian Home Lands to undertake review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands and two individuals. Your Committee received testimony in opposition to this measure from the Historic Hawai'i Foundation. Your Committees received comments on this measure from the Office of Hawaiian Affairs and Department of Land and Natural Resources.

Your Committees find that the protection and preservation of prehistoric and historic native Hawaiian burial sites help to ensure that native Hawaiian ancestors are afforded dignity and respect. The Department of Hawaiian Home Lands seeks to streamline the process regarding the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction. The State Historic Preservation Division of the Department of Land and Natural Resources is currently responsible for the coordination of the evaluation and management under chapter 6E, Hawaii Revised Statutes. Issues before the State Historic Preservation Division can be contentious, highly emotive, and often involve complex aspects of landowner, familial, and cultural rights. Your Committees find that many

housing projects are delayed because of the State's Historic Preservation Division's inability to efficiently and effectively provide necessary reviews to ensure compliance with the State Historic Preservation Law.

Additionally, section 6E-8(b), Hawaii Revised Statutes requires the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources regarding the effect of the project upon historic property or a burial site prior to any proposed project relating to lands under its jurisdiction. Therefore, because of the Department of Hawaiian Home Lands' expertise of burial sites of native Hawaiian origin on its lands, this measure seeks to allow the Department to undertake review of the proposed project on historic properties or burial sites for lands under its jurisdiction.

Your Committees have heard the concerns of the Office of Hawaiian Affairs regarding the success of the modified historic preservation review process proposed in this measure, especially to highlight the need for the Department of Hawaiian Home Lands to retain qualified staff and resources to appropriately review their projects for possible adverse impacts to historic properties and to recommend consultation with the Office of Hawaiian Affairs as part of their review process. There is a need for qualifying standards, informational resources, and established consultation and assessment processes to protect iwi kupuna, cultural sites, and other historic properties from development impacts as envisioned under chapter 6E, Hawaii Revised Statutes. The Office of Hawaiian Affairs has proposed an amendment that the Department of Hawaiian Home Lands should retain qualified historic preservation staff and acquire adequate resources to access adequate resources for staff to perform the review.

Your Committees also heard the concerns from the Historic Hawai'i Foundation that the State Historic Preservation Division's review of proposed projects is an important safeguard to ensure that historic properties and cultural resources are identified and appropriate treatment measures are in place during planning and design work, which limits surprises or delays during construction. Additional concerns were presented that the Department of Hawaiian Home Lands does not have qualified staff, subject matter expertise, an appropriate administrative framework, or other capacity to conduct these reviews or to resolve effects that projects may have on historic properties and could result in conflicts of inflicts without proper safeguards to ensure professional judgment and ensure ethical decision-making.

Your Committees also heard the concerns of the Department of Land and Natural Resources that this measure does not ensure a uniform statewide process or single repository for all data. The Department of Land and Natural Resources suggested amendments to provide that the Department of Hawaiian Home Lands:

- (1) Adopt rules governing the review process consistent with the Department of Land and Natural Resources rules governing reviews;
- (2) Hire qualified professional staff who meet standards established by the Department of Land and Natural Resources to conduct the reviews;
- (3) Establish sufficient internal organizational controls to ensure that the qualified professional staff can make independent determinations regarding the effects of projects on historic properties;
- (4) Ensure that the qualified professional staff can function in a manner that does not create a conflict of interest or an appearance of a conflict of interest;
- (5) Provide for appropriate public notification in a manner consistent with standards established by the Department of Land and Natural Resources;
- (6) Provide further that the delegation of authority shall automatically be suspended or terminated if the Department of Hawaiian Home Lands is unable to retain its qualified professional staff or if it becomes apparent that the it does not have sufficient staffing capacity to complete the delegated reviews in a timely manner; and
- (7) Consult with the Department of Land and Natural Resources on reviews for projects affecting properties listed in the Hawaii register of historic places or the national register of historic places.

Your Committees find that these amendments raise concerns that merit further consideration, and requests that your Committee on Judiciary further examine those issues and concerns raised by the agencies on these measures.

The Historic Hawai'i Foundation also presented concerns that Department of Hawaiian Home Lands projects are subject to federal historic preservation regulations under Section 106 of the National Historic Preservation Act.

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 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. 1124, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1124, 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, 5. Noes, none. Excused, none.

SCRep. 422 (Joint) Hawaiian Affairs and Agriculture and Environment on S.B. No. 882

The purpose and intent of this measure is to add the Chairperson of the Hawaiian Homes Commission to the board of agriculture.

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

Your Committees find that the Department of Agriculture, headed by the Board of Agriculture, works to support, enhance, promote, and protect Hawaii's agriculture and aquaculture industries. The Hawaiian Homes Commission Act authorizes the Department to lease agricultural lands or lands used for aquaculture purposes. As the State looks to increase food security statewide, the interests of agricultural homestead lessees should be represented on the Board of Agriculture.

Your Committees have heard concerns expressed by the Department of Agriculture that adding the Chairperson of the Hawaiian Homes Commission to the Board of Agriculture would provide opportunities for other stakeholder groups to request further expansion of the Board, thus compromising its ability to govern efficiently. The Department of Agriculture provided a suggestion that the stakeholder-oriented representation sought by the Department of Hawaiian Home Lands may be more appropriately achieved by occupying one of the existing at-large seats.

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 Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 882, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 882, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Ihara). Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 423 (Joint) Health and Commerce and Consumer Protection on S.B. No. 1147

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; 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 Attorney General, Department of Health, Department of Taxation, Hawaii COPD Coalition, American Lung Association in Hawaii, Hawaii Substance Abuse Coalition, AlohaCare, Blue Zones Project, The Friends of Kamalani and Lydgate Park, Hawaii Appleseed Center for Law and Economic Justice, Hawaii Public Health Institute, Hawaii State Teachers Association, American Cancer Society Cancer Action Network, and twenty-four individuals. Your Committees received testimony in opposition to this measure from the American Vaping Association, Taxpayers Protection Alliance, Americans for Tax Reform, and twenty-two individuals. Your Committees received comments on this measure from Tax Foundation of Hawaii, Hawaii Food Industry Association and Hawaii' Primary Care Association.

Your Committees find that tobacco use is the single most preventable cause of disease, disability, and death in the United States. Your Committees also find that e—cigarette use among youth and young adults is strongly associated with the use of other tobacco products, including combustible tobacco products. This measure imposes a tax on e-liquids and e-cigarettes similar to other tobacco products in order to encourage users of e-liquids to quit, sustain cessation, prevent youth initiation, and reduce consumption among those who continue to use them.

Your Committees note that S.B. No. 63 also aims to curb the use of e-cigarettes by prohibiting the sale of those products other than through in-person exchange retail sales. Your Committees find that portions of that measure can be appropriately added to this one. Your Committees also heard the testimony of the Department of the Attorney General, which noted that portions of S.B. No. 63 contained provisions that conflicted with due process rights. Finally, your Committees heard the testimony of the Department of Taxation, which requested that the measure take effect no earlier than January 1, 2022, to give the Department time to update its forms, instructions, and computer system.

Therefore, your Committees have amended this measure by:

- (1) Inserting section 2 of S.B. No. 63, which prohibits the sale of flavored tobacco products, mislabeling of e-liquid products containing nicotine, and sale of tobacco products other than through retail sales via in-person exchange;
- (2) Adopting the amendments made by S.B. No. 63 to the definition of "tobacco products" and new definitions of "e-liquid" and "electronic smoking devices" as used in the cigarette tax and tobacco tax law, with section 3 of S.B. No. 63, which similarly amends those definitions;
- (3) Amending portions of the measure to avoid infringing on a person's due process rights;
- (4) Inserting blank fee amounts for wholesale licenses and retail tobacco permits;
- (5) Providing for the disposition of fines for unlawful shipment of tobacco products into the Hawaii Tobacco Prevention and Control Trust Fund;
- (6) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (7) 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 Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1147, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1147, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 424 Higher Education on S.B. No. 358

The purpose and intent of this measure is to establish a state income tax deduction for eligible contributions to any college savings program established under section 529 of the Internal Revenue Code (IRC), with certain limits.

Your Committee received testimony in support of this measure from the Securities Industry and Financial Markets Association, Security Industry Association of Hawaii, and one individual. Your Committee received comments on this measure from the Department of Budget and Finance and Department of Taxation.

Your Committee finds that in 2002, the Legislature established the State's College Savings Program pursuant to chapter 256, Hawaii Revised Statutes, and section 529 of the Internal Revenue Code of 1986, as amended. Administered by the Department of Budget and Finance, the "HI529-Hawaii's College Savings Program" (HI529 Program) exists to assist and encourage families to set aside funds for future college and higher education expenses by exempting investment income earned under the program from federal and state taxes; provided that the funds are used for qualified higher education expenses.

Your Committee finds that the benefits of a college education are well-documented. A recent study by the College Board has concluded, among other things, that college graduates have substantially higher median incomes, pay more taxes, have lower unemployment rates, and are healthier and more involved in their communities. However, the cost to attend college has been increasing significantly. Since the early 1980s, the increase in college costs have outpaced inflation nearly every year, sometimes reaching as high as 9.5 percent above the rate of inflation. In the last five years, college tuition and fees have risen by about seven percent for a public four-year program and ten percent at private non-profit four-year programs, adjusted for inflation. In the last ten years, college costs at both public and private institutions have risen more than twenty-five percent.

Your Committee finds that most other states offer a state tax deduction or credit for contributions into college savings programs as an incentive for their residents' participation. This measure, which provides a similar incentive by establishing an upfront state tax deduction for contributions paid into any state college savings program established under section 529 of the IRC, will further encourage Hawaii residents to save early and often for future college expenses as an alternative to taking out educational loans.

Your Committee also notes the concerns raised by the Department of Budget and Finance regarding the scope of this measure. Based on information on the HI529 Program as of December 2020, if all Hawaii account owners contributed into the HI529 Program, assuming the maximum deductible amount for a single state tax-filer at the maximum tax rate, the potential revenue loss for the State would be approximately \$1.5 million per year. The potential revenue loss for the State will be significantly greater if the tax deduction is applied to contributions into all 529 college savings programs.

Accordingly, your Committee has amended this measure by:

- (1) Amending sections 2 and 3 by:
 - (A) Limiting the application of the Hawaii income tax deduction to contributions into the HI529 Program; and
 - (B) Amending the definition of "qualified taxpayers" to limit the definition to residents of the State of Hawaii; 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. 358, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 358, 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. 425 Higher Education on S.B. No. 1225

The purpose and intent of this measure is to:

- (1) Allow the chairperson of the Independent Audit Committee (IAC) of the University of Hawaii Board of Regents (Board) to be selected in a manner consistent with the Board's bylaws; and
- (2) Clarify that the IAC's responsibility as to the University's enterprise risk management is to oversee, rather than engage in the pertinent operations.

Your Committee received testimony in support of this measure from the University of Hawai'i System Office of the Board of Regents (Board Office). Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the IAC is an advisory body established under section 304A-321, Hawaii Revised Statutes, as well as the Board's bylaws, to provide oversight of the University's compliance with, and internal controls relating to, various areas of risk management, finance, and accounting. The members of the IAC are appointed by the Board Chairperson from among the Board members. While the chairpersons of the Board's other standing committees are appointed by the Board Chairperson, current law requires that the chairperson of the IAC be selected by the members of the IAC from among the members of the IAC itself.

Your Committee finds that this unique selection process for the IAC chairperson has presented challenges to the administration of IAC meetings when the IAC chairperson's term on the Board, and consequently the chairperson's term on the IAC, ends on June 30, and the IAC membership is pending election by the Board Chairperson. For other Board standing committees, the Board Chairperson may appoint the voting members and chairpersons at the first Board meeting after June 30, and the appointed chairpersons may plan and set the agenda for the committees' first meeting thereafter. However, since existing law does not allow the Board Chairperson to appoint the IAC chairperson, there will be no chairperson to plan and set the agenda for the first IAC meeting. This measure prevents such problems from occurring by allowing the Board Chairperson to appoint an IAC chairperson in a manner consistent with the appointment process of other committee chairpersons. Your Committee also finds that the IAC's responsibility is to oversee, rather than engage in the operations related to, the University's enterprise risk management activities, and that this measure clarifies the distinction.

Your Committee notes the concerns raised by the Board Office that the existing statute does not explicitly exempt from part I of chapter 92, Hawaii Revised Statutes, discussions between the IAC and internal and external auditors on matters that should remain confidential in accordance with nationally recognized best practices for independent audit committees. Your Committee also acknowledges the Board Office's request that the IAC chairperson be given authority to determine whether executive sessions that are exempt from chapter 91 and part I of chapter 92, Hawaii Revised Statutes, may occur without the presence of the President or Chief Financial Officer of the University.

Accordingly, your Committee has amended this measure by:

- (1) Exempting from chapter 91 and part I of chapter 92, Hawaii Revised Statutes, discussions between the IAC and internal or external auditors on matters that should remain confidential in accordance with nationally recognized best practices for independent audit committees;
- (2) Allowing the IAC chairperson to determine whether IAC discussions that are exempt from chapter 91 and part I of chapter 92, Hawaii Revised Statutes, may be held without the presence of the President or the Chief Financial Officer of the University; 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 Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1225, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1225, 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. 426 (Joint) Energy, Economic Development, and Tourism and Agriculture and Environment on S.B. No. 167

The purpose and intent of this measure is to improve the quality of life in the State by:

- Establishing objectives and policies for state facility systems in the Hawaii State Planning Act to achieve the use of green infrastructure, vegetation, and trees in state facility systems, infrastructure, and transit projects; and
- (2) Requiring the Office of Planning, in partnership with the Greenhouse Gas Sequestration Task Force, to make recommendations for implementing green infrastructure objectives, policies, and priority guidelines established by this measure.

Your Committees received testimony in support of this measure from the Office of Planning, Department of Land and Natural Resources, Department of Health, Office of Hawaiian Affairs, 350Hawaii, and three individuals.

Your Committees find that sustainable design concepts for public infrastructure that incorporate green vegetation and trees help decrease urban temperatures, reduce carbon emissions, improve air quality, and capture water to replenish the water table. Your Committees also finds that people who live in these areas are less likely to suffer from acute respiratory symptoms and heart disease. Accordingly, your Committees also find that the effects of climate change have made implementing sustainable design concepts even more critical, as each passing year has seen increased temperatures and other impacts from climate change.

Your Committees further find that this measure addresses these concerns by establishing green infrastructure objectives and policies for state facility systems in the Hawaii State Planning Act and is an important step to improve the quality of life for both residents and visitors alike.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 167 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, 5. Noes, none. Excused, none.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

SCRep. 427 Energy, Economic Development, and Tourism on S.B. No. 1320

The purpose and intent of this measure is to incorporate a regenerative framework into the State Planning Act by establishing objectives and policies for the visitor industry.

Your Committee received testimony in support of this measure from the City and County of Honolulu, Office of Economic Revitalization; Hawai'i Tourism Authority; one member of the Hawai'i County Council; Waikiki Neighborhood Board; Imua Alliance; Conscious Concepts; and eighty individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Planning and two individuals.

Your Committee finds that the tourism industry is a significant part of the State's economy as a whole and linked inextricably with other sectors. Emerging from the coronavirus disease 2019 pandemic gives Hawaii an opportunity to restart with a regenerative design for tourism that embraces biosphere stewardship and recognizes that we have the responsibility to preserve the health of our land in a better condition than we found it. Your Committee believes that this measure enhances the capacity of state government, its relevant agencies, and the community to position our economy toward a more resilient and sustainable future for generations to come.

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. 1320 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 (Lee, Riviere).

SCRep. 428 (Joint/Majority) Hawaiian Affairs and Housing on S.B. No. 1322

The purpose and intent of this measure is to designate a seat for the Department of Hawaiian Home Lands on the board of the Hawaii Housing Finance and Development Corporation.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Hawaiian Community Development, and three individuals. Your Committees received testimony in opposition to this measure from the Hawaii Housing Finance and Development Corporation; Mutual Housing Association of Hawaiii, Inc.; and one individual.

Your Committees find that the constitutional mandate and mission of the Department of Hawaiian Home Lands trust is to effectively develop and deliver lands to native Hawaiians. The Hawaii Housing Finance and Development Corporation is tasked with developing low- and moderate-income housing projects and administering homeownership programs. This measure is intended to further enhance the partnerships and collaboration between the Department of Hawaiian Home Lands and Hawaii Housing Finance and Development Corporation. As a voting member of the Hawaii Housing Finance and Development Corporation Board, the Chairperson of the Hawaiian Homes Commission can bring new perspectives and ideas developed through the Department of Hawaiian Home Land's activities and experiences to the Hawaii Housing Finance and Development Corporation Board's deliberations.

Your Committees have heard testifiers' concerns that having the Chairperson of the Hawaiian Homes Commission on the Hawaii Housing Finance and Development Corporation Board could possibly constitute a conflict of interest. The Hawaii Housing Finance and Development Corporation testified that there would be a concern as to whether the Chairperson of the Hawaiian Homes Commission would be focusing on providing housing for native Hawaiians rather than production of housing for all residents of the State of Hawaii.

In response to those concerns, the Department of Hawaiian Home Lands noted that the Director of Business, Economic Development, and Tourism and the Director of Finance also are provided seats on the Hawaii Housing Finance and Development Corporation Board. Additionally, in *Ahuna v. Department of Hawaiian Home Lands*, 640 P.2d 1161 (1982), the Hawaii Supreme Court recognized the State's fiduciary responsibility to facilitate the Hawaiian Homes Commission Act. Because the ruling was not specified to one individual state agency, the State of Hawaii shares the responsibility among all agencies for fulfilling the mandates of the Hawaiian Homes Commission Act. Your Committees find that these concerns warrant further consideration and may require the issuance of an opinion from the Department of the Attorney General.

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 are in accord with the intent and purpose of S.B. No. 1322 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, 4; Ayes with Reservations (Acasio, Ihara). Noes, 1 (Fevella). Excused, none.

Housing: Ayes, 4; Ayes with Reservations (Moriwaki). Noes, 1 (Fevella). Excused, none.

SCRep. 429 (Joint/Majority) Hawaiian Affairs and Housing on S.B. No. 1334

The purpose and intent of this measure is to:

- (1) Allow the raising of the building height limit for two of the six parcels owned by the Office of Hawaiian Affairs in the Kakaako Makai area to four hundred feet; and
- (2) Lift the current restriction against residential development in Kakaako Makai to allow residential development by the Office of Hawaiian Affairs or by third parties to which the Office of Hawaiian Affairs conveys the parcels.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaiian Community Development, Kūpuna for the Moʻopuna, Association of Hawaiian Civic Clubs, Ke One o Kākuhihewa - Oʻahu Council of the Association of Hawaiian Civic Clubs, and twenty-five individuals. Your Committees received testimony in opposition to this measure from Free Access Coalition; Friends of Kewalos; Common Ground Hawaii; Hawaii's Thousand Friends; Mālama Moana; Kaka'ako Makai Community Planning Advisory Council, Kaka'ako United; Life of the Land; The Outdoor Circle, and eighty-six individuals. Your Committees received comments on this measure from the Hawaii Community Development Authority, Oʻahu Island Parks Conservancy, Historic Hawai'i Foundation, and one individual.

Your Committees find that Act 15, Session Laws of Hawaii 2012 (Act 15), conferred to the Office of Hawaiian Affairs parcels of land in Kakaako Makai to settle certain claims against the State regarding the Office of Hawaiian Affairs' longstanding claims to income and proceeds from ceded lands. The property identified in Act 15 is virtually contiguous, suited for master planning, and is in an area of Honolulu that is already experiencing significant redevelopment. Increasing the revenue stream on these commercial lands will provide a greater sum to fund the Office of Hawaiian Affairs' programs and services for its beneficiaries, including direct grants, advocacy services, and legacy land stewardship.

Your Committees further find that the ten parcels in Kakaako Makai were appraised at \$200,000,000. For the Office of Hawaiian Affairs to realize the full value of these lands, the Office of Hawaiian Affairs must have the ability to construct residential developments. In 2006, however, the Legislature banned residential development in the Kakaako Makai area in response to community concerns regarding preserving open space. In effect, this residential prohibition means that the Office of Hawaiian Affairs, an agency solely dedicated to serving the Native Hawaiian population, cannot develop housing and housing-associated projects makai of Ala Moana. Therefore, lifting this prohibition would create parity for the Office of Hawaiian Affairs with these mauka landowners by affording the agency the same land use options for its parcels as enjoyed by its neighbors.

Your Committees also find that the Office of Hawaiian Affairs testified that the State's contemporaneous appraisal of the value of the lands in Kakaako Makai transferred to the Office of Hawaiian Affairs pursuant to Act 15, included assumptions that appear to imply that residential development of the area was contemplated at that time.

In 2012, legislators proposed separate legislation that would have provided the Office of Hawaiian Affairs the right to develop housing on two of the parcels that would be conveyed, thus adding to their value. While the Office of Hawaiian Affairs was appreciative of these efforts, the Office of Hawaiian Affairs was concerned that that the residential issue would impair the passage of the settlement. While Act 15 was passed into law, the residential restrictions on the parcels conveyed were not lifted. However, your Committees on Judiciary and Labor and Ways and Means acknowledged the values of the properties and believed that property values could be enhanced by certain entitlements that, while not specifically provided for in Act 15, could be obtained at a future date. As a result, this measure exempts the Office of Hawaiian Affairs from the residential development restrictions on certain parcels located in Kakaako Makai for the Office of Hawaiian Affairs to realize the full value of these lands.

Your Committees find that considering a drastically changing and challenging economic environment, the Office of Hawaiian Affairs is considering the development of Kakaako Makai lands as its top priority. In 2016, the Office of Hawaiian Affairs was presented a conceptual master plan, which provided for a scenario with residential development. Over the last year, the Office of Hawaiian Affairs has been revisiting plans for their Kakaako Makai lands, including updating their development master plan to explore a host of development scenarios to maximize revenues in Kakaako Makai to best serve beneficiaries by offering housing, economic development opportunities, integration of commerce and culture, and a better sense of place and community in the revitalized core of urban Honolulu.

Your Committees have heard testifiers' concerns about the Office of Hawaiian Affairs further developing the Kakaako Makai area. Your Committees recognize the Office of Hawaiian Affairs has a proven track record of ensuring that Native Hawaiians participate in and benefit from responsible stewardship throughout the Hawaiian Islands. Through its ownership of both legacy and commercial properties, the Office of Hawaiian Affairs has proven to create economic value, preserve cultural and natural resources and historic properties, and provide cultural and social opportunities for Native Hawaiians in a sustainable and balanced manner. Your Committee find that this measure will not result in the additional sale of public land, and the areas in question do not constitute public lands, which would affect potential shoreline access rights. Nevertheless, the Office of Hawaiian Affairs is dedicated to proper stewardship of its properties in a way that creates value for its beneficiaries.

Your Committees have also heard testifiers' concerns about the impact of climate change and sea level rise on the Kakaako Makai development. The Kakaako Makai properties are at a higher elevation than the cross streets and main streets that lay mauka of the peninsula; thus, climate change and sea level rise are predicted to affect Kakaako Makai parcels in other areas of Honolulu located further inland. A 2012 study identified ten design features to minimize future risks due to climate change and sea level rise, including drainage problems that may come from rainfall, groundwater rising, and ocean water flooding.

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 Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1334, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1334, 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, 3. Noes, 2 (Acasio, Ihara). Excused, none. Housing: Ayes, 4; Ayes with Reservations (Rhoads). Noes, 1 (Moriwaki). Excused, none.

SCRep. 430 Hawaiian Affairs on S.B. No. 1246

The purpose and intent of this measure is to prohibit a county from enacting any ordinance that prohibits a person from lying by the roadside in safety in accordance with the Law of the Splintered Paddle.

Your Committee received testimony in support of this measure from the American Civil Liberties Union of Hawai'i and four individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual.

Your Committee finds that in Hawaii, equal justice under the law has been a mandate codified in the first law of Ke Kanawai Mamalahoe. In his royal edict, Ke Kanawai Mamalahoe, the first law of the Kingdom of Hawaii, Kamehameha galvanized the supremacy of the law, protecting people from physical harm and enshrining equal rights, and protecting the vulnerable from those in more powerful or advantageous positions. Furthermore, article IX, section 10, of the Hawaii State Constitution provides that the State shall have the power to provide for the safety of the people from crimes against persons and property.

Your Committee further finds that in a modern-day context, the spirit of the Law of the Splintered Paddle requires state government to review the conduct of the counties and act as necessary to protect the vulnerable. Enforcement of criminal laws prohibiting people from camping, sitting, lying, or engaging in similar conduct on public property also violates the prohibition on cruel and unusual punishment under the Eighth Amendment of the United States Constitution and article I, section 12, of the Hawaii State Constitution, as applied to houseless persons who have no option to sleep indoors. Saddling a person experiencing houselessness with fines and a

criminal record is counterproductive to the goal of helping lift themselves out of poverty and would create collateral consequences of criminal records on a person's ability to secure employment, housing, and critical social services. Therefore, this measure will guide the counties in developing ordinances and supporting initiatives that meaningfully address the needs of our most vulnerable people in the spirit of the Law of the Splintered Paddle.

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. 1246, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1246, 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 (Ihara, Fevella). Noes, none. Excused, none.

SCRep. 431 Hawaiian Affairs on S.B. No. 1409

The purpose and intent of this measure is to prohibit council, board, and commission members from serving if the member has not completed, within an established time, a required training course related to native Hawaiian traditional and customary rights, resource protection and access rights, and the public trust, including the State's fiduciary responsibility.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, Native Hawaiian Legal Corporation, and eight 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 Land and Natural Resources.

Your Committee finds 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 and overwhelmingly positive feedback from training course attendees, 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. Additionally, although certain critical decision-making bodies are required to have one member with experience or expertise in native Hawaiian culture and well-being, this single individual membership requirement has not resulted in decisions that consistently incorporate or even acknowledge native Hawaiian knowledge, values, rights, and practices. Such decisions have led to substantial conflict, distrust, and legal action against the State, and may further foreclose critical opportunities to enhance our islands' resiliency and self-sufficiency through culturally informed land use and resource management approaches. As a result, critical land use and resource management decision-making may continue to be less than fully informed on native Hawaiian rights. The courts have held that the State "must take the initiative in considering, protecting, and advancing public rights in the resource at every stage of the planning and decision[-]making process." In re Water Use Permit Applications, 94 Hawaii'i 97, 143, P.3d 209, 255 (2000). Therefore, this measure strengthens requirements of 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 Committee has also heard concerns from the Department of Land and Natural Resources that the Department does not believe that members who are unable to complete the course within one year should be prevented from voting or serving on permitted interaction groups, removed from their seats, or have their votes challenged and subject to being nullified and voided following a contested case hearing. This provision may cause undue hardship for parties needing to complete business before the board if the board loses quorum because of this measure. Board members normally only have two opportunities per year to take the course, and sometimes the training is scheduled with board meetings or other commitments conflict.

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. 1409, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1409, 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. 432 Hawaiian Affairs on S.B. No. 1122

The purpose and intent of this measure is to:

- (1) Clarify requirements on the county boards of water supply to ensure adequate water supplies to residents of Hawaiian home lands; and
- (2) Add representation on the county boards of water supply of the interests to be served by the allocation of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Board of Water Supply, County of Hawaii

Department of Water Supply, and County of Maui Department of Water Supply. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the lack of available water has been and remains a significant barrier to the State's ability to develop projects on Hawaiian home lands. The Department of Hawaiian Home Lands has worked in conjunction with the Department of Land and Natural Resources' Commission on Water Resource Management to set groundwater and surface water reservations for Hawaiian Homes projects on each island with lands set aside for homesteading purposes. Nevertheless, some county boards or departments of water supply have no administrative rules or policies for differentiating and prioritizing the development and provision of water for Hawaiian Homes projects when compared to other state or private projects, thereby not accounting for the trust obligations that the Department of Hawaiian Home Lands holds for its beneficiaries.

Your Committee has also heard testifiers' concerns that this measure seeks to usurp "home rule" guarantees. Article VIII, section 2, of the Hawaii State Constitution provides for each political subdivision to have the power to frame and adopt a charter for its own self-governance. Under section 54-12, Hawaii Revised Statutes, the Mayor of each county shall, with the advice and consent of the council, nominate the members of the county board of water supply stipulating the makeup of the members of the board. Additionally, this measure disregards pre-existing legal protections and systems regarding water use and allocation and is unnecessary because water for the Department of Hawaiian Home Lands is already comprehensively planned and being implemented. Further, a significant burden of the county boards and departments of water supply will be detrimental to our ability to provide a vital and essential service to the counties. Your Committee finds that this issue raises concerns that merit further consideration and requests that your Committee on Judiciary consider this as this measure proceeds.

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. 1122, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1122, 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 (Ihara, Fevella). Noes, none. Excused, none.

SCRep. 433 (Majority) Hawaiian Affairs on S.B. No. 86

The purpose and intent of this measure is to allow the Department of Hawaiian Home Lands to operate medical cannabis dispensaries in addition to the dispensaries operated under eight medical cannabis dispensary licenses issued by the Department of Health

Your Committee received testimony in opposition to this measure from Kūpuna for the Moʻopuna and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, and Department of Hawaiian Home Lands.

Your Committee finds that Act 241, Session Laws of Hawaii 2015, allowed for the Department of Health to begin administering the Medical Cannabis Dispensaries Program in 2016 to oversee laboratories that test the safety and quality of cannabis and manufactured cannabis products and monitor the dispensaries that make medicinal products readily available for registered patients while balancing the health and safety of patients and the public. As more states have legalized medicinal and recreational cannabis use, an increasing number of tribes have become involved in the cannabis industry in creating financially viable opportunities for economic development and job opportunities.

Your Committee finds that the Department of Hawaiian Home Lands prepared a draft legislative proposal that would require the Department of Health to issue eight additional dispensary licenses to the Department of Hawaiian Home Lands to expand the medical cannabis dispensary program administered by the Department of Health on Hawaiian Home Lands to allow for increased revenue for beneficiaries. Under the proposed program, only eight licenses would be issued statewide, which would limit competition and the opportunity for native Hawaiian communities to participate. The Department of Hawaiian Home Lands also envisioned the proposal to further its utilization of agricultural lands and diversification. However, the proposal did not have the support of the Hawaiian Homes Commission and the proposal was removed from the Department of Hawaiian Home Lands' 2021 legislative proposals.

Your Committee has heard the concerns from the Department of the Attorney General that cannabis is classified as a Schedule I substance under the federal Controlled Substances Act, which could classify the Department as an active participant in an enterprise that is illegal under federal criminal law. Additionally, it is a crime under federal anti-money laundering laws for financial institutions to engage in monetary transactions, including the sale of cannabis. These proceeds could adversely impact the State's ability to utilize banks and ability to receive federal grants. Your Committee has also heard the concerns of the Department of Health that it is unclear as to how the Department of Hawaiian Home Lands' operated dispensaries would work within the existing medical use of cannabis dispensary system. In particular, there are questions about whether the dispensaries are licensed by the Department of Health; whether qualifying patients would be allowed to make purchases from the Department of Hawaiian Home Lands; and how the Department of Hawaiian Home Lands operated dispensaries would ensure that patients remain within their dispensing limits.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting the draft proposal of the Department of Hawaiian Home Lands, which expands the medical cannabis dispensary program administered by the Department of Health on Hawaiian Home Lands by eight additional licenses; 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. 86, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 86, S.D. 2, and be referred to your Committees on Health and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Ihara). Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 434 Hawaiian Affairs on S.B. No. 1123

The purpose and intent of this measure is to give counties jurisdiction over the infrastructure of the Department of Hawaiian Home Lands housing developments within their boundaries under specific conditions and require counties to commence maintenance on certain infrastructure within sixty days of a completed application of maintenance request.

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

Your Committee finds that while the Department of Hawaiian Home Lands complies with county requirements regarding infrastructure when developing subdivisions, the maintenance of the infrastructure often remains the responsibility of the Department of Hawaiian Home Lands. Although Act 227, Session Laws of Hawaii 2014, clarified and confirmed that operating and maintaining sewer systems is a county function, the Department of Hawaiian Home Lands continues to maintain sewer systems on Hawaiian home lands until such time that Act 227 can be fully implemented in subdivisions completed after the mid-1990s. This measure will ensure that more of the funding from the Department of Hawaiian Home Lands can be allocated to the development of housing, rather than maintenance of infrastructure, such as waterlines and appurtenance, sewer lines, waste treatment systems, roadways, and street lighting that connects to county infrastructure.

Your Committee has heard the concerns of the Office of Hawaiian Affairs that the proposed time limit of sixty days to complete the Department of Hawaiian Home Lands maintenance work could unreasonably limit consultation, assessment, mitigation activities that are critical to protecting iwi kupuna, cultural sites, and other historic properties from avoidable and unnecessary impacts, unless language is included to explicitly require the State Historic Preservation Division concurrence with county approval for permitted actions, and to exclude any additional days needed to implement historic preservation protection and mitigation actions. Amendments to this measure are therefore necessary to address the Office of Hawaiian Affairs' concerns.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language to account for additional time that may be needed to protect historic sites; potentially adverse, avoidable impacts; and provide for extensions on the sixty-day deadline should historic preservation and protections activities require them; 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. 1123, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1123, 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 (Ihara, Fevella). Noes, none. Excused, none.

SCRep. 435 (Joint) Hawaiian Affairs and Health on S.B. No. 905

The purpose and intent of this measure is to ensure that the Hawaii State Council on Mental Health includes a member or members who have a background in native Hawaiian cultural concepts or practices relating to mental health.

Your Committees received testimony in support of this measure from the Department of Health, Office of Hawaiian Affairs, The Queen's Health Systems, Hawai'i Psychological Association, and two individuals.

Your Committees find that native Hawaiians experience mental health disparities that require culturally responsive solutions. Native Hawaiian keiki are over-represented as victims of abuse and neglect, and native Hawaiian youth experience higher rates of depression and drug use. Native Hawaiians are also less likely than other populations to seek help from the State's mental health services. Culturally sensitive treatment programs that are grounded in native Hawaiian healing and health practices have proven to be more successful when congruent with the client's values and beliefs. Requiring the Council to include members having educational, professional, or practical backgrounds in native Hawaiian and indigenous health, transgenerational trauma, and traditional healing practices will help the State advance and develop culturally responsive policies and programs. Members that are trained in either Western or traditional knowledge or possess work experience involving native Hawaiian concepts of well-being, culturally grounded mental health methodologies, or traditional healing or health practices will allow for a unique understanding of native Hawaiians struggling with mental health challenges. These additions will assist the Council to ensure greater and more consistent opportunities for native Hawaiians and others to participate in culturally grounded programs and services that can foster positive mental health outcomes far more effectively than purely Western approaches.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 905 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; Ayes with Reservations (Acasio). Noes, none. Excused, none.

Health: Ayes, 5. Noes, none. Excused, none.

SCRep. 436 (Joint) Hawaiian Affairs and Health on S.B. No. 982

The purpose and intent of this measure is to:

- (1) Include the use of alkaline hydrolysis, water cremation, and natural organic reduction as methods for the disposal of human remains; and
- (2) Amend the procedures for the resolution of disputes regarding the right of disposition, the right to rely and act upon written instructions in a funeral service agreement or similar document, and provisions for the disposition of a decedent's remains and recovery of reasonable expenses to include hydrolysis facilities and natural organic reduction facilities.

Your Committees received testimony in support of this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawaii; Fisher & Associates Consulting, LLC; Ken Ordenstein Funerals; Aloha Mortuary Cremation & Funeral Services; and eleven individuals. Your Committees received testimony in opposition to this measure from the Hawaii Funeral & Cemetery Association, Inc.; Dodo Mortuary, Inc.; Mililani Group, Inc.; Nuuanu Memorial Park & Mortuary; Hawaiian Memorial Life Plan, Ltd.; and Leeward Funeral Home.

Your Committees find that there has been a recent increase of interest in traditional Hawaiian practices for burials. Native Hawaiian burial traditions acknowledge the natural cycles of life and death and ancestral bones offer spiritual sustenance to present generations as the lasting embodiments and continuous genealogical link from past, present, and future generations. Modern treatment of corpses often involves chemicals, such as embalming fluids which can be harmful to the environment when buried, as the chemicals will eventually be released into the soil and aquifers. However, traditional Hawaiian treatment of human remains is safe, feasible, and cost effective. Therefore, this measure is necessary to allow the Department of Health to accommodate traditional Hawaiian burial practices.

However, your Committees have heard testifiers' concerns that there is not sufficient information to support the disposition of natural organic reduction or alkaline hydrolysis and the overall effects to the environment and the regulatory agency oversight regarding the technology, facilities, environmental impact, and operator licenses involved in these practices. Specifically, there are concerns about the length of time to transform the decedent into compost, the amount of water used per decedent, discharge from an alkaline facility, and permitting requirements of the Department of Health. Your Committees find that these issues raise concerns that merit further consideration and requests that your Committee on Judiciary further examine those issues and concerns raised by the testifiers on this measure.

Your Committees note that the measure in this language is substantially similar to the language in S.B. No. 1021, S.D. 1, Regular Session of 2021, a measure concerning traditional Hawaiian burial practices recently reported from your Committee on Hawaiian Affairs

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 Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 982, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 982, 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.

Health: Ayes, 5. Noes, none. Excused, none.

SCRep. 437 (Joint/Majority) Water and Land and Hawaiian Affairs on S.B. No. 712

The purpose and intent of this measure is to require that the Executive Director of the Aha Moku Advisory Committee be appointed by the Governor and subject to the advice and consent of the Senate, with a term limit of four years.

Your Committees received testimony in support of this measure from one individual. Your Committees received testimony in opposition to this measure from the Aha Moku Advisory Committee, Koʻolaupoko Hawaiian Civic Club, and thirteen individuals. Your Committees received comments on this measure from one individual.

Your Committees find that the Senate's role in the advice and consent of certain governor-appointed positions is rooted in the concept of "checks and balances" between the three constitutionally established branches of government. Your Committees note that they cannot identify any employee who serves a board or commission as its executive director and is subject to the advice and consent of the Senate. Your Committees further find that the purpose of the Aha Moku Advisory Committee is to advise the Chairperson of the Board of Land and Natural Resources regarding the aha moku system, on issues related to land and natural resources.

Your Committees have amended this measure by:

- (1) Inserting an effective date of January 1, 2025, 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 Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 712, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 712, 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; Ayes with Reservations (Riviere). Noes, 1 (Fevella). Excused, none.

Hawaiian Affairs: Ayes, 4; Ayes with Reservations (Acasio, Ihara). Noes, 1 (Fevella). Excused, none.

SCRep. 438 (Joint) Higher Education and Labor, Culture and the Arts on S.B. No. 590

The purpose and intent of this measure is to:

- (1) Amend the eligibility requirement for membership in the University of Hawaii's optional retirement system by eliminating the eligibility for employees in bargaining unit (7) and other employees who are excluded from bargaining unit (7) pursuant to chapter 89, Hawaii Revised Statutes, and making eligible, new employees who are employed by the University's Board of Regents;
- (2) Require the Board of Regents to choose at least three companies to provide investment products under the optional retirement system;
- (3) Require the University to make annual contributions into the optional retirement system for members whose compensation is paid in whole or part from the general fund;
- (4) Allow existing members of the State Employees' Retirement System (ERS) to transfer into the optional retirement system within ninety days after establishment of the optional retirement system;
- (5) Automatically enroll University employees to the ERS unless they opt to enroll in the optional retirement system within ninety days of employment;
- (4) Prohibit employees who selected the optional retirement system from transferring to the ERS;
- (5) Require the University to make annual contributions for its employees within the optional retirement system; and
- (6) Require the retirement benefits of the optional retirement system to be subject to collective bargaining negotiations.

Your Committees received testimony in opposition to this measure from the State Employees' Retirement System. Your Committees received comments on this measure from the University of Hawai'i System and University of Hawaii Professional Assembly.

Your Committees find that section 88-8, Hawaii Revised Statutes, allows the University to establish its own retirement system for employees in bargaining unit (7), who are faculty appointed by the Board of Regents, and employees excluded from unit (7) under chapter 89, Hawaii Revised Statutes. However, the University has never taken the step to establish its own retirement system, and therefore, membership in the ERS is required of nearly all existing University employees.

Your Committees further find that in Fall 2020, the University convened a "Blue Ribbon Committee" to explore possible means to improve the fiscal balance in the University of Hawaii at Manoa Athletics Program, and that the committee had recently suggested establishment of an alternative retirement system for employees in the program as a means to reduce the fringe benefit expense for employee pensions. Often, employees in the Athletics Program, such as collegiate coaches, assistant coaches, and sport-specific support staff do not maintain employment for more than ten years, which is the minimum vesting period required to earn pension benefits in retirement in the ERS. Therefore, establishment of an alternative retirement program that is portable and in which the University would contribute less than what is currently being required for the ERS, would benefit both the University and eligible employees in the Athletics Program.

Your Committees also note the concerns raised by the ERS that the provisions in the measure, which allow ERS members to opt out of the ERS and into the optional retirement system, would jeopardize ERS's status as a qualified defined benefit public pension plan under the Internal Revenue Code. The ERS also raises concerns regarding the possibility of ERS's unfunded liability being defrayed by the optional retirement system.

Accordingly, your Committees have amended this measure by:

- (1) Retaining the membership eligibility for the University's optional retirement system for employees in bargaining unit (7) and other employees who are excluded from bargaining unit (7) pursuant to chapter 89, Hawaii Revised Statutes;
- (2) Expanding the membership eligibility for the University's optional retirement system to athletic coaches and assistant coaches who are employed by the University of Hawaii on or after July 1, 2021, and are included in bargaining unit (8) pursuant to chapter 89, Hawaii Revised Statutes;
- (3) Allowing the Board of Regents to utilize existing alternative surrogate retirement plans already offered by the State or University as an alternative:
- (4) Allowing the Board of Regents to adopt rules pertaining to eligibility in the optional retirement system;
- (5) Prohibiting members and former members of the ERS from opting into the optional retirement system;
- (6) Allowing eligible new employees to elect between the ERS and optional retirement system and prohibiting them from transferring from one system to the other once election is made;
- (7) Inserting an effective date of July 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 Higher Education 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. 590, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 590, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees (Chair Taniguchi signed "with reservations"). Higher Education: Ayes, 5. Noes, none. Excused, none.

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

SCRep. 439 (Joint) Higher Education and Labor, Culture and the Arts on S.B. No. 1220

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 whose positions or duties are related to the security of the campus facilities and persons.

Your Committees received testimony in support of this measure from the Department of Human Resources Development, University of Hawai'i System, and one individual.

Your Committees find that the University has University Security Officers (USOs) on duty to ensure the safety and security of the facilities and persons on its campuses. There are approximately one hundred sixty USO positions throughout the ten campuses, and the University anticipates processing approximately fifteen recruitments a year. Your Committees also find that as civil service employees, the recruitment of USOs was historically performed by the Department of Human Resources Development (DHRD). However, since the position is unique to the University the University and DHRD have entered into a delegation agreement, effective September 2016, under which the University performs all tasks associated with recruiting, selecting, and hiring a USO, except for conducting criminal background checks of applicants. Since existing law does not allow the University to perform background checks, the DHRD cannot delegate the task to the University. This limitation on the University's authority affects the efficient hiring of USOs, which in turn, impacts the University's ability to ensure the safety of its campuses.

This measure will ensure a strong presence of USOs on the University campuses by enabling the DHRD to delegate the background checks of USOs to the University. The University will be able to perform all aspects of the USO recruitment process and fill these vacancies more efficiently. According to the University, the background checks will be conducted in a manner similar to DHRD's current process, which includes submittal of fingerprints to the Hawaii Criminal Justice Data Center and the Federal Bureau of Investigation. Should outside vendors be used to conduct the criminal background checks, the estimated cost would be between \$40.00 and \$90.00 per background check.

Your Committees have amended this measure by:

- (1) Replacing "current or prospective employees or contractors" with "current and prospective employees and contractors" in the newly created paragraph in section 846-2.7(b), Hawaii Revised Statutes, for the University of Hawaii; 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 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. 1220, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1220, 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. Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

SCRep. 440 Commerce and Consumer Protection on S.B. No. 1398

The purpose and intent of this measure is to prohibit businesses that sell age-restricted goods from requiring disclosure of a customer's date of birth if it is clear that the individual has attained the age required to make a purchase.

Your Committee received testimony in opposition to this measure from Retail Merchants of Hawaii and ABC Stores.

Your Committee finds that certain retailers may restrict a customer from purchasing age-restricted items simply because they cannot produce identification to verify their age, despite it being highly probable that the customer is over the required age to purchase the age-restricted items. Retailer policies may also require older customers to verbally disclose their birthdates within earshot of other customers, which can subject elderly residents to discrimination.

Your Committee notes the concerns raised in testimony that, because of a number of factors including make-up or apparel, it can be difficult to determine someone's age, and accordingly, retailers should be allowed to request identification when it is not immediately certain to the cashier that a customer has reached the minimum age required to purchase the age-restricted goods. However, whereas a cashier may ask a younger customer to see identification, a cashier may verbally ask an older customer for their birth date, which may be considered confidential and discriminatory. Therefore, amendments to this measure are necessary to address these concerns.

Lastly, your Committee finds the definition of "clear and convincing standard" as currently drafted in this measure requires additional clarification and requests your Committee on Judiciary to further examine this issue.

Your Committee has amended this measure by:

- (1) Clarifying that no business that sells age-restricted goods shall require a customer to verbally verify or verbally disclose the customer's age when purchasing age-restricted goods if the seller determines by a clear and convincing standard that the purchaser has reached the minimum age required for the purchase of age-restricted goods; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1398, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1398, 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. 441 Education on S.B. No. 757

The purpose and intent of this measure is to authorize the issuance of up to \$25,000,000 in special purpose revenue bonds to assist Le Jardin Academy.

Your Committee received testimony in opposition to this measure from the Hawaii State Teachers Association. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that the authorization of special purpose revenue bonds to schools is in the public's interest and will promote the education of Hawaii's children. This measure will provide Le Jardin Academy with the financial tools for campus development and improvement projects that will benefit not only its students, but the community-at-large as well.

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. 757 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. 442 (Joint) Education and Labor, Culture and the Arts on S.B. No. 810

The purpose and intent of this measure is to:

- (1) Eliminate the Superintendent of Education as a voting member constituting the public employer for the purpose of negotiating a collective bargaining agreement with personnel of the Department of Education; and
- (2) Reduce the total number of votes the voting members have from six to five, allocating three to the Board of Education and two to the Governor.

Your Committees received testimony in support of this measure from four individuals. Your Committees received testimony in opposition to this measure from the Office of Collective Bargaining, Department of Budget and Finance, Department of Education, and one individual.

Your Committees find that prior to Act 253, Session Laws of Hawaii 2000, the Superintendent of Education did not have a vote or say in negotiations over a collective bargaining agreement for bargaining units (5) and (6). The Board of Education members were highly involved in negotiations and the Department of Education was required to work closely and transparently with the Board of Education in collective bargaining negotiations for Department of Education employees in collective bargaining units (5) and (6). Since then, there has been a decrease in participation and involvement of the Board of Education in the collective bargaining negotiations relating to those employees. This measure removes the Superintendent of Education as a voting party, which would require the Department of Education to work more closely with the Board of Education as it did in the past.

Your Committees have amended this measure by specifying that, for the purpose of negotiating a collective bargaining agreement for bargaining units (5) and (6), the distribution of votes shall be three for the Governor and two for the Board of Education.

As affirmed by the records of votes of the members of your Committees on Education 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. 810, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 810, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 5; Ayes with Reservations (Kim). Noes, none. Excused, none.

Labor, Culture and the Arts: Ayes, 5. Noes, none. Excused, none.

SCRep. 443 Labor, Culture and the Arts on S.B. No. 1069

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (1) and their excluded counterparts for fiscal biennium 2021-2023.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that the negotiations for collective bargaining agreements for bargaining unit (1) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1069, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1069, 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. 444 Labor, Culture and the Arts on S.B. No. 1070

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (2) and their excluded counterparts for fiscal biennium 2021-2023.

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, AFL-CIO.

Your Committee finds that the negotiations for collective bargaining agreements for bargaining unit (2) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1070, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1070, 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. 445 Labor, Culture and the Arts on S.B. No. 1071

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (3) and their excluded counterparts for fiscal biennium 2021-2023.

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, AFL-CIO.

Your Committee finds that the negotiations for collective bargaining agreements for bargaining unit (3) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1071, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1071, 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. 446 Labor, Culture and the Arts on S.B. No. 1072

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (4) and their excluded counterparts for fiscal biennium 2021-2023.

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, AFL-CIO.

Your Committee finds that the negotiations for collective bargaining agreements for bargaining unit (4) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1072, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1072, 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. 447 Labor, Culture and the Arts on S.B. No. 1073

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (5) and their excluded counterparts for fiscal biennium 2021-2023.

Your Committee received testimony in support of this measure from the Department of Budget and Finance and Hawaii State Teachers Association.

Your Committee finds that the negotiations for collective bargaining agreements for bargaining unit (5) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1073, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1073, 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. 448 Labor, Culture and the Arts on S.B. No. 1074

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (6) and their excluded counterparts for fiscal biennium 2021-2023.

Your Committee 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 Committee finds that the negotiations for collective bargaining agreements for bargaining unit (6) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1074, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1074, 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. 449 Labor, Culture and the Arts on S.B. No. 1075

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (7) and their excluded counterparts for fiscal biennium 2021-2023.

Your Committee 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 Committee finds that the negotiations for collective bargaining agreements for bargaining unit (7) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1075, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1075, 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. 450 Labor, Culture and the Arts on S.B. No. 1076

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (8) and their excluded counterparts for fiscal biennium 2021-2023.

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, AFL-CIO.

Your Committee finds that the negotiations for collective bargaining agreements for bargaining unit (8) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1076, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1076, 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. 451 Labor, Culture and the Arts on S.B. No. 1077

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (9) and their excluded counterparts for fiscal biennium 2021-2023.

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, AFL-CIO.

Your Committee finds that the negotiations for collective bargaining agreements for bargaining unit (9) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1077, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1077, 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. 452 Labor, Culture and the Arts on S.B. No. 1078

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (10) and their excluded counterparts for fiscal biennium 2021-2023.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that the negotiations for collective bargaining agreements for bargaining unit (10) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1078, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1078, 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. 453 Labor, Culture and the Arts on S.B. No. 1079

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (11) and their excluded counterparts for fiscal biennium 2021-2023.

Your Committee received testimony in support of this measure from the Department of Budget and Finance and Hawaii Fire Fighters Association, International Association of Fire Fighters Local 1463, AFL-CIO.

Your Committee finds that the negotiations for collective bargaining agreements for bargaining unit (11) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1079, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1079, 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. 454 Labor, Culture and the Arts on S.B. No. 1080

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (13) and their excluded counterparts for fiscal biennium 2021-2023.

Your Committee 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 Committee finds that the negotiations for collective bargaining agreements for bargaining unit (13) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1080, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1080, 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. 455 Labor, Culture and the Arts on S.B. No. 1081

The purpose and intent of this measure is to provide a legislative vehicle to fund public sector collective bargaining cost items for salary adjustments, other cost adjustments, and Hawaii employer-union health benefits trust fund costs for public employees in collective bargaining unit (14) and their excluded counterparts for fiscal biennium 2021-2023.

Your Committee 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 Committee finds that the negotiations for collective bargaining agreements for bargaining unit (14) are currently in progress. This measure provides a legislative vehicle that can be used if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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. 1081, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1081, 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. 456 (Majority) Energy, Economic Development, and Tourism on S.B. No. 666

The purpose and intent of this measure is to:

- (1) Establish the Conservation Workforce Special Fund with the explicit commitment of funding a Conservation Workforce and advancing the Aloha+ Challenge Natural Resource Management Targets;
- (2) Form a public-private Conservation Advisory Committee focused on designing the management and governance structure and funding criteria that safeguards the special funds' fidelity towards conservation; and
- (3) Establish a ten-year pilot visitor green fee to go into effect July 1, 2021.

Your Committee received testimony in support of this measure from Hawaii Government Employees Association, Ulupono Initiative, Pono Hawaii Initiative, Surfrider Foundation, Imua Alliance, and forty-four individuals. Your Committee received testimony in opposition to this measure from Hawaii Lodging and Tourism Association and Kohala Coast Association. Your Committee received comments on this measure from the Department of Land and Natural Resources, Office of Planning, Department of Budget and Finance, Department of Taxation, Chamber of Commerce Hawaii, Tax Foundation of Hawaii, and Hawaii Tourism Authority.

Your Committee finds that each year, Hawaii's reefs, oceans, beaches, and forests provide billions of dollars in value to the state economy, supporting the well-being of our resident community and visitors alike, which are vital to the tourism industry and the local community's cultural identity.

Your Committee believes that the coronavirus disease 2019 (COVID-19) pandemic provides the State with an opportunity to build back the tourism sector more sustainably and this measure creates sustainable and comprehensive funding for green job growth beyond initial federal stimulus relief and provides various economic and environmental benefits to the State.

Your Committee also recognizes that due to the COVID-19 pandemic, the tourism industry has been disproportionately impacted and the timing of this measure may place a burden on an industry that so many people depend on for their livelihoods. There are also administrative concerns with tracking an annual green fee to visitors and whether it would apply to state residents.

Accordingly, to address these concerns, your Committee has amended this measure by:

- Reducing the green fee surcharge on transient accommodations charged to visitors and residents from \$40 dollars per visit to \$20 dollars per visit;
- (2) Requiring that the assessment and collection of the \$20 green fee surcharge is contingent upon the total number of visitor arrivals reaching a threshold level of five million visitors or more during the preceding calendar year, based on statistics from the Hawai'i Tourism Authority; 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. 666, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 666, 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 (Lee, Riviere).

SCRep. 457 (Joint) Education and Agriculture and Environment on S.B. No. 1251

The purpose and intent of this measure is to authorize the Department of Education to meet the local farm to school meal goal of fifteen percent of food served in public schools to be locally sourced by 2025 and thirty percent by 2030.

Your Committees received testimony in support of this measure from the Department of Education; Department of Agriculture; Hawaii Public Health Institute; Hawaii 'Ulu Cooperative; Ulupono Initiative; Local Food Coalition; Hawaii Food Industry Association; Hawaii Farm Bureau; Hawaii Cattlemen's Council, Inc.; Hawaii Primary Care Association; Americans for Democratic Action; Pono Hawaii Initiative; Blue Zones Project; and forty-one individuals.

Your Committees find that the Farm to School Program provides students with an agricultural education, which contributes to improved attendance, academic achievement, and behavior, while also increasing opportunities for place-based experiential learning, physical activity, and active participation in the school meal program. In addition, the Farm to School Program activities support a nutritious school food environment that encourages students to make healthier food choices. With more than eighty-five percent of students in Hawaii attending public schools, participation in farm to school activities increases students' familiarity with local foods, access to fresh fruits and vegetables, and the likelihood that students will make healthier choices at home. Currently, it is estimated that three percent of food served in public schools is locally sourced. This measure will increase the percentage of locally sourced food served in public schools in Hawaii.

Your Committees note that procurement exceptions may be required to effectuate the goals in this measure.

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 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. 1251, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1251, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 5. Noes, none. Excused, none. Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 458 Education on S.B. No. 270

The purpose and intent of this measure is to appropriate monies 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 deletes the contents of the measure and inserts language to:

- (1) Appropriate elementary and secondary school emergency relief fund (ESSER funds) monies received by the State from the Coronavirus Aid, Relief, and Economic Security Act, 2020, Public Law 116-136, and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Public Law 116-260, to offset any budget reductions that are identified or proposed by the Department of Education and the Governor that would result in the reduction of personnel who are subject to a collective bargaining agreement and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction;
- (2) Require the Board of Education and Superintendent of Education to certify in writing that the Board of Education, Superintendent, and Department of Education agree to the conditions established by this measure, including that the funds appropriated shall be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level; and
- (3) Provide that monies from the appropriation shall lapse at the end of the fiscal biennium.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaii State Teachers Association, HE'E Hui for Excellence in Education, Democratic Party of Hawai'i Education Caucus, and three individuals. 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 Education and Board of Education.

Your Committee finds that the states that receive certain federal funds, including monies from the Elementary and Secondary School Emergency Relief Funds established by the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, 2020 (CARES Act), and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Public Law 116-260 (CRRSAA), are required to assure that they will maintain support for education programs during fiscal years 2019-2020 and 2020-2021 by meeting certain benchmarks. The State, through the Department of Education, must comply with the provisions of the federal Education Stabilization Fund as set forth in section 18006 of the CARES Act to receive and expend CARES Act and CRRSAA monies, which, in part, requires the Department of Education to continue to pay its employees. This measure will appropriate certain federal monies received by the State to the Department of Education to offset any budget reductions that have been identified or proposed by the Department of Education and the Governor that would result in the reduction of personnel who are subject to a collective bargaining agreement and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction.

Your Committee notes that as this measure progresses, your Committee on Ways and Means may consider waiving the requirement for federal Education Stabilization Funds to pay fringe benefit costs to the Department of Budget and Finance.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Clarifying that the Legislature declares that it does not support any attempts by the Superintendent to seek a waiver from the Secretary of Education regardless of whether the State is currently experiencing a precipitous decline in revenue or not;
- (2) Inserting a blank appropriation amount for fiscal year 2020-2021; 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 Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 270, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 270, 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. 459 (Joint) Agriculture and Environment and Health on S.B. No. 244

The purpose and intent of this measure is to expand liability protection for donors to include donation of expired food when the donor reasonably believes in good faith that the food remains fit for human consumption.

Your Committees received testimony in support of this measure from Hawai'i Primary Care Association, Hawai'i Pacific Health; Down to Earth Organic and Natural, Hawai'i Farm Bureau, and two individuals. Your Committees received testimony in opposition to this measure from the Department of Health. Your Committees received comments on this measure from Hawaii Association for Justice.

Your Committees find that more than ten percent of Hawaii residents are food insecure and receive food assistance through nonprofit organizations and governments. Approximately twenty-six percent of food grown in or imported to Hawaii is thrown away, amounting to approximately \$1,000,000,000 in annual food waste. Food production is a direct contributor to local and global climate change, as food production requires energy, fertilizer, irrigation, livestock feed, and other resources that contribute to greenhouse gas emissions. Food waste entering landfills creates methane gas, a greenhouse gas that is eighty-four times more potent than carbon dioxide. Much of the wholesome surplus food in Hawaii is discarded instead of donated because of fear of liability. Therefore, this measure seeks to discourage food waste and encourage food donation to needy recipients through its clarification and expansion of liability protections for good-faith food donors and allowing the donation of expired food when the donor makes a good-faith judgment that the food is unspoiled.

Your Committees have heard the concerns of the Department of Health that the Department's Food Safety Specialist is responsible for conducting inspections at food establishments to prevent foodborne illness by the consuming public. While the Food Safety Specialist has the expertise and knowledge of food safety, this individual is not qualified to educate or provide legal counsel to anyone in the State. Therefore, the Department believes that it is not the appropriate agency to educate those in the food industry about food donation liability protections.

Your Committees have also heard testifier concerns about placing broad exceptions to liability to all forms of perishable or nonperishable food to determine if packaged and unpackaged food should be differentiated to provide a basic level of protection to the recipients in need. Your Committees find that this issue raises concerns that merit further consideration and requests that your Committee on Commerce and Consumer Protection further examine those issues and concerns raised by the testifiers on this measure.

Your Committees have amended this measure by:

- (1) Removing exceptions to liability for donors who donate food directly to the needy and for government entities;
- (2) Directing the Department of Health to educate potential donors on reasonable and safe food donation protocols; 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 Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 244, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 244, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 5; Ayes with Reservations (Rhoads). Noes, none. Excused, none. Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 460 (Joint) Agriculture and Environment and Hawaiian Affairs on S.B. No. 1410

The purpose and intent of this measure is to:

- (1) Amend section 165-2, Hawaii Revised Statutes, by adding "customary and traditional subsistence farming", defined as an activity "conducted by a native Hawaiian cultural practitioner", that is used for direct personal or family consumption on land that contains no dwelling or residence and on which no person resides, to the definition of "farming operation";
- (2) Amend chapter 205, Hawaii Revised Statutes, to add customary and subsistence farming to the permitted uses within the State Agricultural District, which is currently reserved primarily for commercial agriculture; and

(3) Amend chapter 226, Hawaii Revised Statutes, to protect customary and traditional subsistence farming as part of the State's economic policy.

Your Committees received testimony in support of this measure from seven individuals. Your Committees received comments on this measure from the Department of Agriculture, Office of Planning, Center for Hawaiian Sovereignty Studies, and one individual.

Your Committees find that subsistence farming is relied upon by native Hawaiians and should be protected. Article XI, section 3, of the Constitution of the State of Hawaii requires the Legislature to provide standards and criteria to increase Hawaii's agricultural self-sufficiency. Prioritizing traditional agricultural techniques such as traditional Hawaiian farming is increasingly viewed as good policy. The United Nations Commission on Trade and Development urges nation states to support the development of sustainable small-scale farms and traditional farming systems to achieve food security, particularly considering climate change. Supporting traditional farming is also consistent with the recommendations of the Taro Security and Purity Task Force's legislative report, emphasizing the need to invest in traditional farming and crops to perpetuate culture and to support disaster preparedness and food security in our islands.

Your Committees support the practice of traditional Hawaiian farming to promote Hawaii's agricultural self-sufficiency. Your Committees also find that 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, hoio (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.

However, your Committees find that equating native Hawaiian traditional and cultural subsistence farming with commercial agriculture under the Hawaii Right to Farm Act may lead to numerous zoning and land-use disagreements and disruptions to county administration, which may ultimately cause more harm than good for the agriculture community, including subsistence farmers.

In addition, your Committees find that article XII, section 7, of the Hawaii State Constitution reaffirms traditional and customary rights exercised for subsistence, cultural, and religious purposes by native Hawaiians, which are an integral part of Hawaiian civilization retained by its descendants. Therefore, your Committees find it necessary to acknowledge that the rights of native Hawaiians to engage in customary and traditional subsistence farming shall not be trumped by any judicial interpretation of article XII, section 7, of the Hawaii State Constitution.

Your Committees believe that assuring the right to subsistence farming under the Hawaii State Planning Act preserves the spirit of this measure while avoiding potentially detrimental unintended consequences.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have included customary and traditional subsistence farming in the Right to Farm Act, to address the concerns of conflation of commercial agriculture and subsistence farming;
- (2) Amending the Hawaii state plan policy to achieve the culture objective of the Hawaii State Planning Act to include assurance of the right of traditional and customary subsistence farming by:
 - (A) Providing that the right of traditional and customary subsistence farming shall not be preempted by any judicial interpretation of article XII, section 7, of the Hawaii State Constitution;
 - (B) Allowing traditional and customary subsistence farmers to reside on their land upon approval by the Department of Agriculture and verification by a cultural practitioner council that the land use is traditional and customary;
 - (C) Declaring that no court, official, public servant, or public employee shall declare any operation of traditional and customary subsistence farming a nuisance if the farming operation is conducted in a manner consistent with generally accepted agricultural and management practices; and
 - (D) Defining "traditional and customary subsistence farming" as farming conducted by a native Hawaiian cultural practitioner for direct personal or family consumption;
- (3) Inserting a preamble to explain the amended purpose of this measure and to assert support of native Hawaiian subsistence farmer multi-family cooperatives;
- (4) Inserting an effective date of July 1, 2060, 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 Agriculture and Environment and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1410, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1410, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, 1 (Nishihara). Hawaiian Affairs: Ayes, 5; Ayes with Reservations (Acasio, Ihara, Keohokalole). Noes, none. Excused, none.

SCRep. 461 Agriculture and Environment on S.B. No. 350

The purpose and intent of this measure is to:

- (1) Fill the vacant Environmental Management Division chief staff position by October 1, 2021;
- (2) Require that the 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) Require the Department of Health to take into consideration environmental justice issues in the assessment of use, when considering usage and public health risk for its determination and ranking of beaches for inclusion in Hawaii's beach monitoring program; and
- (5) Establish an Environmental Management Division Oversight Advisory Board to provide oversight and guidance to the Environmental Management Division.

Your Committee received testimony in support of this measure from the Surfrider Foundation Hawai'i Region, Surfrider Foundation – Oahu Chapter, Surfrider Maui Chapter, Hawai'i Youth Climate Coalition, Kauai Climate Action Coalition, Our Revolution Hawaii, Animal Rights Hawai'i, Pono Hawai'i Initiative, Kihei Community Association, Wastewater Alternatives and Innovations, Surfrider Foundation, Sierra Club of Hawai'i, Earthjustice, Friends of Maha'ulepu, Mālama Maunalua, Waiwai Ola Waterkeepers Hawaiian Islands, Center for Biological Diversity, Kia'i Wai o Wai'ale'ale, Polanui Hui Community Managed Market Area, Kaiola Canoe Club, WMPA, HAMER, Friends of Hanauma Bay, Windward Coalition for Community Concerns, Young Progressives Demanding Action Hawai'i, Hawaii Wildlife Fund, The Makali'i Group, Hui o He'e Nalu, HI Strikes Back, and fifty-two individuals. Your Committee received testimony in opposition to this measure from the Department of Health and one individual. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that the Environmental Management Division of the Department of Health 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. Currently, there is minimal data to describe the pollution and health risks during brown water advisory conditions, leaving the public less informed of risks during pollution associated with brown water advisories. There are many locations that have elevated levels of fecal indicator bacteria after rain events and in brown water events. Without testing during brown water events, it is unknown which locations experience pollution spikes during heavy rains, thereby putting ocean users at risk and delaying the identification and enactment of needed pollution mitigation efforts. The United States Environmental Protection Agency Region 9 has also recommended to the Department of Health's Clean Water Branch that establishing a protocol to test in brown water advisories would provide more accurate and comprehensive data regarding water quality.

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 Committee finds that water quality continues to be of concern to residents and visitors and therefore conversations as to how to best protect the public and environment should continue between policy makers and stakeholders.

Your Committee has heard the concerns of the Department of Health that the Department anticipates that this position will be filled before October 1, 2021, after securing approval from the Governor to fill the position on December 25, 2020. Additionally, the Department has concerns that water quality testing during brown water advisories in addition to testing already performed on a regular basis would be unnecessary. As part of the Beaches Environmental Assessment and Coastal Health Act of 2000 (BEACH Act) monitoring program, the Clean Water Branch routinely monitor's beaches for enterococci and provides prompt notification to the public whenever there is an exceedance or likelihood of exceedance of recreational water quality standards. As a recipient of funding from the Environmental Protection Agency as part of the BEACH Act, adding monitoring during brown water advisories would require additional resources and allotted federal funds cannot accommodate the additional statewide laboratory analytical testing. The Department of Health also raised concerns about posting informational signs at all beaches impacted by brown water, especially on the neighbor islands. The Department of Health also raised reservations about the oversight advisory board, as it seems infeasible to assemble a board that can adequately and knowledgably oversee and provide guidance to the Clean Water Act, Safe Drinking Water Act, Clean Air Act, and the Resource Conservation and Recovery 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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 350, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 350, 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. 462 Agriculture and Environment on S.B. No. 369

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 Committee received testimony in support of this measure from the Department of Health, University of Hawai'i Sea Grant Program, Environmental Caucus of the Democratic Party of Hawai'i, Surfrider Maui Chapter, Hawaii Reef and Ocean Coalition, Wastewater Alternatives & Innovations, and five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association of REALTORS.

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 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.

Requiring the inspection of the individual wastewater systems at the time of sale to spot deficiencies would be consistent with home inspections at the time of sale as they are considered extensions of plumbing in homes.

Your Committee also heard testifiers' concerns that there are numerous inspection periods during the real estate transaction and this measure could add delays and financing issues to a real estate transaction, especially if the individual wastewater system must be inspected and renovated within one year to meet construction standards.

Your Committee has amended this measure by:

- Inserting the contents of S.B. No. 368, Regular Session of 2021, a measure that removes the limitation on specific types of
 wastewater systems to which cesspools must be converted and requires a cesspool to be upgraded or converted to a wastewater
 system by the Department of Health prior to January 1, 2050;
- (2) Providing that if an individual wastewater system fails inspection, the system shall be repaired or replaced within one year by the current property owner or by the prospective property owner with written agreement, to meet the design and construction requirements adopted by the Department of Health;
- (3) Stating that administrative rules shall not apply to a transfer between joint tenants or tenants in common; spouse, child, or parent; or spouses resulting from decree of dissolution of marriage, legal separation, or property settlement agreement; 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 S.B. No. 369, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 369, 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. 463 Agriculture and Environment on S.B. No. 587

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 compositing facilities; and
- (3) Allow composting and co-composting in agricultural districts.

Your Committee received testimony in support of this measure from the Kōkua Hawai'i Foundation, Hawai'i Youth Climate Coalition, Zero Waste Big Island, Surfrider Maui Chapter, Climate Protectors Hawaii, Down to Earth Organic & Natural, and nine individuals. Your Committee received testimony in opposition to this measure from the Department of Health. Your Committee received comments on this measure from the Hawai'i Farm Bureau.

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, while imported, petroleum-based, and energy-intensive fertilizers destabilize a healthy soil microbiome. This measure furthers the State's waste management goals and ensures progress toward managing the State's waste by addressing the urgent need to expand the State's capacity for capturing and processing the organic waste its residents and visitors generate.

Your Committee further 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. The mandated tiered permitting system proposed in this measure would seek to greatly increase the number of permitted facilities and makes the permitting and infrastructure requirements more accessible. Additionally, county environmental and waste management agencies have indicated that diverting organics from their waste streams will be essential in extending the life of their landfills and preventing more landfill siting and the associated environmental justice impacts. Schools would greatly benefit from project-based learning associated with resource rescue, soil health and school garden lessons; farmers would be able to generate nutritive soil amendments; and entrepreneurs would be able to operate initiatives to offset greenhouse gas offsets from sequestration. 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 heard concerns from the Department of Health that Class III and Class IV compositing facilities should not be exempt from oversight due to issues of stability, pathogens, and other contaminants. In addition, fire potential poses a risk to the safety of nearby residents if the facilities do not have proper procedural concerns. Open burning of the pile could offset positive environmental impacts of compositing. By exempting facilities in the proposed Class III and Class IV from the Department of Health's regulations and permitting authority, the Department of Health would be unable to evaluate the potential impact of the operation and require appropriate controls that are protective of human health and the environment. The Department of Health would also lose the ability to effectively respond to complaints involving Class III and Class IV composting facilities. The Department of Health also acknowledges that it is attempting to maximize its efficiencies through flexibility in the current rules and revised permitting forms and is planning on updating chapter 11-58.1, Hawaii Administrative Rules.

Your Committee has amended this measure by:

 $(1) \quad \text{Extending regulation reform deadlines from January 1, 2022, to January 1, 2023;} \\$

- (2) Providing that the Department of Health shall update its rules regarding composting and co-compositing every ten years, rather than every five years, to allow for the Department of Health to realistically prepare rules and regulations updates;
- (3) Deleting the definitions of Class I, II, III, and IV solid waste compositing facilities;
- (4) Deleting language that would have established requirements for Class I, II, III, and IV solid waste composting facilities;
- (5) Requiring the Department of Health to update its administrative rules to create a multi-tiered registration and permitting system for composting and co-composting facilities that includes an exclusion tier under which a compositing or cocomposting operation is exempt from requirements for registration or permitting from the Department of Health; 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. 587, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 587, 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. 464 Agriculture and Environment on S.B. No. 132

The purpose and intent of this measure is to add the chemicals homosalate, octocrylene, and octisalate to the sale and distribution sunscreen ban as of January 1, 2023.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i State Youth Commission, Hawaii Reef and Ocean Coalition, Kahalu'u Bay Education Center - The Kohala Center, Surfrider Foundation O'ahu Chapter, Surfrider Foundation Maui Chapter, Lani & Kai, Coral Reef Education Institute, Haereticus Environmental Laboratory, Hanauma Bay Snorkel Adventures, Waiwai Ola Waterkeepers Hawaiian Islands, Kawaihae Canoe Club, Hawaii Coral Reef Stakeholders Hui, Napili Bay and Beach Foundation, Safe Sunscreen Council, Chemists Without Borders, Shandong Agricultural University, Sorbonne Universite, and forty-five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association, Personal Care Products Council, Chamber of Commerce Hawaii, Public Access to SunScreens Coalition, Consumer Healthcare Products Association, American Chemistry Council, and three individuals. Your Committee received comments on this measure from the Department of Health, American Academy of Dermatology Association, and one individual.

Your Committee finds that octocrylene is linked to significant harmful impacts on Hawaii's marine environment and ecosystems, including coral reefs that protect Hawaii's shoreline. Furthermore, as the environmental contamination of octocrylene is constantly refreshed and renewed daily by swimmers and beachgoers who apply sunscreens containing these three chemicals, the contamination persists in Hawaii's coastal waters.

Additionally, your Committee finds that since the passage of Act 14, Session Laws of Hawaii 2018, which prevented the sale and distribution of sunscreen containing oxybenzone and octinoxate in the State beginning on January 1, 2021, octocrylene and avobenzone have been shown to be harmful to marine life and human health and should also be kept out of our marine environment. Evolving science around the world clearly demonstrates that these ubiquitous and pervasive reef toxins irreversibly interfere with the life-cycles of Hawaii's foundational and endemic marine life. Furthermore, long-term exposure to avobenzone and octocrylene has been found to be lethal for some organisms living in freshwater environments.

Your Committee has amended this measure by:

- (1) Removing language that would have banned the sale of the sunscreen chemicals "octisalate" and "homesalate" beginning January 1, 2023;
- (2) Inserting language that bans the sale of the sunscreen chemical "avobenzone" beginning January 1, 2023;
- (3) Deleting the definition of "homosalate" and "octisalate";
- (4) Adding the definition of "avobenzone"; 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. 132, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 132, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 465 Agriculture and Environment on S.B. No. 1026

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.

Your Committee finds that the animal industry special fund was established to receive monies 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 laboratory 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.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1026, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1026, 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. 466 Agriculture and Environment on S.B. No. 1027

The purpose and intent of this measure is to allow for the industrial hemp special fund to be utilized for the Department of Agriculture's responsibilities regarding hemp created by Act 14, Session Laws of Hawaii 2020 (Act 14).

Your Committee received testimony in support of this measure from the Department of Agriculture. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that hemp is a high-value crop that can be of significant benefit to Hawaii's economy. At least forty-six states have passed legislation to facilitate hemp cultivation in recognition of a marked increase in hemp cultivation from 2018 to 2019. Your Committee notes that Hawaii's hemp industry remains in a nascent stage, in part due to restrictive regulatory actions taken by the Department of Agriculture under existing law. Act 14 tasked the Department of Agriculture with monitoring the transportation of and enforcing certain State restrictions regarding the growth of hemp within the State. However, the Act did not establish a special fund within the Department of Agriculture to perform these duties. As of December 2020, there were fifty-five licensed hemp growers in the State and counting, with no limit on the number of licensees or acreage. The Department of Agriculture was not given any resources to execute its new duties which are essentially unlimited in scope. Allowing for the industrial hemp special fund to be used for these purposes will allow the Department of Agriculture to use the existing special fund to perform the new regulatory duties relating to hemp.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1027, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1027, 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. 467 Agriculture and Environment on S.B. No. 1344

The purpose and intent of this measure is to require the Department of Agriculture, in coordination with the appropriate departmental agency, to prepare and periodically update a functional plan for seafood sustainability that expands the State's priority on food by including wild seafood as a viable food source.

Your Committee received testimony in support of this measure from United Fishing Agency, Ltd.; Waialua Boat Club; Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; Fishing Tales with Mike Sakamoto; and thirteen individuals. Your Committee received comments on this measure from the Department of Agriculture and Office of Planning.

Your Committee finds that past inclusion of fish and seafood as part of the State's food security and self-sufficiency plan has been noticeability absent much to the detriment of our citizens. Fishing and seafood are integral parts of our community, culture, history, sustainability, and self-sufficiency objectives. Your Committee finds that the State's largest food producing entity is fishing; eighty to ninety percent of locally caught fish stays in the islands.

Your Committee also finds that while understanding Hawaii's seafood sustainability is an important aspect to the planning of Hawaii's overall food sustainability and food security, the Office of Planning recommends that the most appropriate functional plan to integrate wild seafood sustainability is the State Agricultural Functional Plan. The State's Agricultural Functional Plan was last updated in 1991 and would benefit from an update sought by this measure.

Your Committee has heard the concerns of the Department of Agriculture that they have no role in regulating pelagic fisheries and has no authority to set policy, establish objectives, or take enforcement action on seafood sustainability. The Department of Agriculture's expertise and regulatory oversight authority with regards to fish and seafood is limited to net-pan aquaculture and other farm-raised seafood.

Your Committee has amended this measure by:

- (1) Incorporating the wild seafood sustainability plan update into the State Agricultural Functional Plan;
- (2) Inserting the Office of Planning as the appropriate departmental agency to coordinate with the Department of Agriculture;
- (3) Extending the timeline to update the functional plan by one year to 2023; 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 S.B. No. 1344, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1344, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Acasio, Nishihara, Rhoads). Noes, none. Excused, none.

SCRep. 468 Agriculture and Environment on S.B. No. 1405

The purpose and intent of this measure is to appropriate general revenues to expand state-run quarantine facilities under the jurisdiction of the Department of Agriculture's Plant Quarantine Branch.

Your Committee received testimony in support of this measure from the Hawaii Coffee Association; Pacific Coffee Research, Inc.; MauiGrown Coffee, Inc.; and one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that responding quickly to newly detected invasive species can often prevent the species from becoming firmly established, saving taxpayers money in the long term. The United States Department of Agriculture has stated that foreign pests and disease already cost the United States' economy tens of billions of dollars annually in lower crop values, eradication programs, emergency payments to farmers, and increased costs for food and other natural resources.

Your Committee further finds that the recent detection of coffee leaf rust has shown that the existing facilities are unable to deal with the demand for disease resistant stock. Even with the expansion of existing facilities with a \$1,000,000 increase over two years, this effort would still be inadequate for the total number of plants needed statewide for the entire industry. The increase in quarantine capacity needed to meet those demands will likely require an additional two to three years and unfortunately may not be timely enough to adequately address the immediate threat to the industry. The lack of resources and facilities can allow invasive species to become established in the State, making mitigation efforts more protracted and expensive.

Your Committee further finds that the Plant Quarantine Branch of the Department of Agriculture is tasked with preventing the introduction and spread of harmful pests and diseases into the State by regulating domestic import, performing border inspections, and facilitating post-border detection and control of agricultural pests. The Plant Quarantine Branch is a critical component in meeting the threat of invasive species entering Hawaii and spreading throughout Hawaii through the State's ports of entry. In the long term, the Department of Agriculture believes that increased capacity to appropriately quarantine regulated plant materials will benefit growers by enhancing the Department of Agriculture's ability to prevent the entry of invasive species. Accordingly, this measure seeks to expand the abilities under the jurisdiction of the Department of Agriculture's Plant Quarantine Branch to increase screening and enforcement abilities throughout 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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1405, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1405, 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. 469 Agriculture and Environment on S.B. No. 1297

The purpose and intent of this measure is to extend the authorization to issue special purpose revenue bonds to assist MauiGrown Coffee, Inc., with the operation and expansion of its farm and mill.

Your Committee received testimony in support of this measure from MauiGrown Coffee, Inc.; Maui Chamber of Commerce; and Hawaii Coffee Association.

Your Committee finds that Act 116, Session Laws of Hawaii 2017 (Act 116), authorized the issuance of special purpose revenue bonds to assist MauiGrown Coffee, Inc., a Hawaii corporation, with the expansion of its coffee farm and mill in Puukolii, Maui. The authorization to issue special purpose revenue bonds is set to lapse on June 30, 2022. At the time of its passage, Act 116 was the only special purpose revenue bond funding vehicle designated for agriculture. Additionally, Act 116 is awaiting review through the Finance Administration Division so that the company may be appointed a bond counsel and move further to banking institutions. Your Committee further finds that this process includes securing numerous commitments and agreements that are put forth in a working business plan. Prior commitments secured during the passage of Act 116 need to be revised as each vendor entity that provided bids is reevaluating their own business structure. Therefore, this measure is necessary to ensure MauiGrown Coffee, Inc.'s expanded operations.

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. 1297 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; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 470 (Joint) Labor, Culture and the Arts and Health on S.B. No. 64

The purpose and intent of this measure is to:

- (1) Prohibit employment discrimination based on a person's status as a medical cannabis cardholder or a registered qualifying patient's positive drug test for cannabis components under certain circumstances;
- (2) Specify that an employer may use a fit-for-duty test for registered qualifying patients in potentially dangerous occupations; and
- (3) Specify certain categories of occupations that are exempt from the protections under the prohibition.

Your Committees received testimony in support of this measure from the Department of Public Safety, Drug Policy Forum of Hawai'i, Hawai'i Cannabis Industry Association, and eleven individuals. Your Committees received testimony in opposition to this measure from the Department of Transportation; Hawaii Food Industry Association; Matson Navigation Company, Inc.; Maui Chamber of Commerce; Maui Economic Opportunity, Inc.; The Queen's Health Systems; Retail Merchants of Hawaii, Inc.; and one individual. Your Committees received comments on this measure from the Department of Health, Hawai'i Civil Rights Commission, Akamai Cannabis Clinic, and Chamber of Commerce of Hawaii.

Your Committees find that under existing law, individuals who are registered to use cannabis for medical purposes can be summarily terminated solely on the basis of their status as a medical cannabis cardholder or positive drug test for cannabis components. Consequently, registered medical cannabis users frequently find themselves in situations in which they must choose between the job they need to support themselves and their families and foregoing medication needed to effectively relieve their pain and suffering. This measure will provide protection to medical cannabis cardholders and registered qualifying patients against employment discrimination, while providing employers clarity on conditions under which they may enforce their drug-free policy against their employees.

You Committees acknowledge the concerns raised in the testimonies that the exemption for employers from liability towards employees who are injured or killed during the performance of their jobs may strip employees of their right to workers' compensation, which is an employee's exclusive remedy for work-related injuries. Your Committees also find that certain provisions in the exempt occupation section are overly broad.

Your Committees discussed the adequacy of allowing employers to use fit-for-duty tests as a risk assessment tool for medical cannabis users in potentially dangerous occupations. First, "dangerous occupations" are not defined. Second, your Committees note that most fit-for-duty substance tests are urine tests. Since cannabinoids that reside in fat stay in a person's system for an extended period of time, a urine test may test positive even if the individual is not impaired. Therefore, your Committees acknowledge the need for a workplace testing method and standard by which an employer can quickly and accurately assess the level of an individual's impairment due to cannabinoids. Your Committees considered deleting this provision from this measure; however, concluded that further discussion is necessary for this complex issue.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have exempted registered qualifying patients in a potentially dangerous occupation from discrimination protections;
- (2) Deleting language that would have exempted employers from liability towards employees who are injured or killed during the performance of their jobs if impairment by medical cannabis was the sole contributing factor;
- (3) Removing employees who operate or are in physical control of machinery, power equipment, or motor vehicles from the list of exempt occupations;
- (4) Inserting an effective date of July 1, 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 Labor, Culture and the Arts and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 64, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 64, 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, 5. Noes, none. Excused, none. Health: Ayes, 5. Noes, none. Excused, none.

SCRep. 471 Labor, Culture and the Arts on S.B. No. 382

The purpose and intent of this measure is to include in the definition of "income", tips or gratuities that are paid directly to an employee by a customer of the employer and reported or declared to the employer, for the purposes of an employer withholding income from an employer for payment of the employee's child or spousal support under an assignment or income withholding order.

Your Committee received testimony in support of this measure from one individual.

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 all 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 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. 382 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. 472 Labor, Culture and the Arts on S.B. No. 431

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 (ERS) in an electronic format.

Your Committee received testimony in support of this measure from the City and County of Honolulu Department of Budget and Fiscal Services, City and County of Honolulu Department of Human Resources, City and County of Honolulu Department of Information Technology, County of Kauai Department of Human Resources, and County of Maui Department of Personnel Services. Your Committee received comments on this measure from the ERS.

Your Committee finds that Act 87, Session Laws of Hawaii 2015 (Act 87), amended section 88-103.7, Hawaii Revised Statutes, effective July 1, 2020, to require the State and counties to furnish the ERS with necessary information in a format required under the system's new reporting standards. Under the Act, departments and agencies who fail to comply with this requirement during any fiscal year, are required to pay the ERS an entire year's worth of additional employer contributions on the first day of the following fiscal year. Act 87 also required the ERS to submit annual progress reports to the Legislature from 2016 through 2020.

Your Committee finds that the state and county departments and agencies have been working diligently and cooperatively with the ERS towards compliance since the enactment of Act 87 and have made substantial progress. However, the ERS reports that the parties continue to face significant challenges to resolve the issues of non-compliance and proposes that the effective date of Act 87 be extended until 2024. Your Committee believes that more time is needed for both the ERS and public employers to work together to address the complex issues relating to employer reporting of the required information.

Your Committee notes that S.B. No. 2142, S.D. 1 (Regular Session of 2020), is a substantially similar measure that extended the effective date of Act 87 to July 1, 2023. S.B. No. 2142, S.D. 2 (Regular Session of 2020), which extended that date to July 1, 2050, to facilitate further discussion, was passed by the Senate; however, further consideration was terminated due to the disruptions caused by the coronavirus disease 2019 (COVID-19) pandemic.

Your Committee has amended this measure by:

- (1) Extending the effective date of Act 87 to July 1, 2024;
- (2) Requiring the ERS to continue submitting annual progress reports until 2024; 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. 431, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 431, 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. 473 Labor, Culture and the Arts on S.B. No. 614

The purpose and intent of this measure is to alleviate the financial strain on households in Hawaii that are struggling from the disruptions caused by the coronavirus disease 2019 (COVID-19) pandemic. Specifically, this measure:

- Exempts from state income tax, unemployment compensation received by an individual during the period of March 1, 2020, through December 31, 2020; and
- (2) Requires the Department of Taxation to retroactively refund state income tax deducted and withheld from individuals for unemployment compensation during the period of March 1, 2020, through December 31, 2020.

Your Committee received testimony in support of this measure from the Hawaii Iron Workers' Stabilization Fund, Hawaii' Lodging and Tourism Association, Hawaii' Workers Center, I.A.T.S.E. Local 665, International Longshore and Warehouse Union Local 142, and fifty-six individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, and one individual.

Your Committee finds that in addition to unemployment compensation paid under chapter 383, Hawaii Revised Statutes, the pandemic unemployment assistance (PUA) received by individuals pursuant to the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act should be exempt from state income tax. Your Committee also finds that since the 2020 tax year has already closed, taxpayers who have had state income tax deducted and withheld from their unemployment compensation will be required to file a return in order to receive a refund of any exempted amounts. Likewise, taxpayers who may have already filed their returns before this measure takes effect would be subsequently required to file an amended return to receive their refund. Therefore, taxpayers should be allowed to credit the state income tax that was deducted and withheld from their unemployment compensation and PUA against their overall state tax liability instead of having the amount refunded.

Your Committee, while acknowledging the need to alleviate the financial strain incurred by many households in Hawaii caused by the COVID-19 pandemic, finds that this measure merits further discussion, as it will have a significant impact on the State's tax revenue. According to the Department of Taxation, this measure in its current form will decrease the State's tax revenue by \$145 million. If PUA were also exempted from state income tax, the State will lose an additional \$46 million, a total of \$191 million in tax revenue.

Accordingly, your Committee has amended this measure by:

(1) Exempting from state income tax, PUA as well as unemployment compensation received by an individual during the period of March 1, 2020, through December 31, 2020;

- (2) Allowing taxpayers to credit the state income tax that was deducted and withheld from their unemployment compensation or PUA against their overall state tax liability;
- (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 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. 614, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 614, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 474 Labor, Culture and the Arts on S.B. No. 675

The purpose and intent of this measure is to amend the definition of "employee-beneficiary" of the Hawaii Employer-Union Benefits Trust Fund to include the surviving unmarried adult child of a deceased retired member who is incapable of self-support due to a mental or physical incapacity, which existed prior to the unmarried child's reaching the age of majority.

Your Committee received comments on this measure from the Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that this measure is necessary to provide continued health benefit coverage to surviving children with mental or physical incapacity when the retiree and the retiree's spouse are no longer living or eligible.

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 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. 675, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 675, 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. 475 Labor, Culture and the Arts on S.B. No. 678

The purpose and intent of this measure is to:

- (1) Require the representative of labor on the Hawaii Labor Relations Board (HLRB) to be a person that is selected by a simple majority of the exclusive representatives of the collective bargaining units and appointed by the Governor by and with the advice and consent of the Hawaii State Senate; and
- (2) Allow the exclusive representatives of the collective bargaining units to remove the representative of labor from the HLRB during the member's term by a simple majority.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii Fire Fighters Association, International Association of Fire Fighters Local 1463, AFL-CIO; Hawaii State Teachers Association; State of Hawaii Organization of Police Officers; United Public Workers, AFSCME Local 646, AFL-CIO; and University of Hawaii Professional Assembly. Your Committee received testimony in opposition to this measure from the Office of Collective Bargaining. Your Committee received comments on this measure from the Hawaii Labor Relations Board.

Your Committee finds that the HLRB is a quasi-judicial board with jurisdiction over state public sector collective bargaining; state private sector collective bargaining; and cases pertaining to state occupational safety and health citations and whistleblower discrimination claims. The Board consists of three members — the Chair, who is the representative of the public, one member who is a representative of management, and another member who is a representative of labor. All three Board members are appointed to six-year terms by the Governor. Under existing law, the representative of management is appointed by the Governor, who must first consider the names submitted by each county. The representative of labor is appointed by the Governor from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives of the collective bargaining units. As for the Board Chair, the Governor's selection is not limited to names submitted by other parties.

This measure diminishes the Governor's authority over the appointment process of the labor representative, by requiring the Governor to appoint with the advice and consent of the Hawaii State Senate, the one individual chosen by the exclusive representatives of the collective bargaining units. This measure also gives the exclusive representatives authority to remove the board member if they determine, by simple majority, that the board member is not effective during the member's term.

Your Committee acknowledges the testimonies from numerous labor unions supporting this measure on the basis that the existing appointment process for the representative of labor gives the Governor too much authority over a quasi-judicial body that adjudicates disputes in which the Governor, serving as the employer, would often be involved as a party. Your Committee also acknowledges the testimonies of the Office of Collective Bargaining, finding no compelling reason to limit the pool of nominees for the representative of labor from three to one, leaving the Governor no choice but to appoint the single nominee.

Your Committee also acknowledges the testimony of the Board itself, raising numerous concerns over the current appointment process and the process provided in this measure. This includes the fact that despite the HLRB having jurisdiction over three constituencies, only the state public employment collective bargaining sector has a voice as to who sits on the Board. The positions of private sector unions and small businesses are not reflected. The Board also points to its duty to act as a neutral body that does not

favor certain parties. To maintain the Board's independence and neutrality, the members are protected from being removed based on political reasons or a party's negative response to an outcome of a case. The HLRB is concerned that the removal process provided in this measure may jeopardize its duty to remain neutral and take actions based on the facts and the law. Based on these testimonies, your Committee believes this measure requires further review and consideration.

Accordingly, 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 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. 678, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 678, 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 (Ihara). Noes, none. Excused, none.

SCRep. 476 (Joint) Labor, Culture and the Arts and Human Services on S.B. No. 793

The purpose and intent of this measure is to repeal state laws that exempt individuals with a disability from minimum wage requirements by:

- (1) Repealing section 387-9(a)(2), Hawaii Revised Statutes, which allows payment of sub-minimum wage to individuals with impairments by obtaining a special certificate from the Department of Labor and Industrial Relations (DLIR); and
- (2) Amending the definition of "qualified community rehabilitation program" (QCRP) under the Hawaii Public Procurement Code by eliminating the requirement that they hold the DLIR special certificate and a federal certificate issued under section 14(c) of the Fair Labors Standard Act of 1938, as amended, which also allows payment of sub-minimum wage based on an individual's disability status.

Your Committees received testimony in support of this measure from the Department of Health, State Council on Developmental Disabilities, Democratic Party of Hawai'i Education Caucus, Democratic Party of Hawai'i Hawaiian Affairs Caucus, Hawaii Disability Rights Center, Hawaii State Teachers Association, Imua Alliance, International Longshore and Warehouse Union Local 142, MCH Lend, National Federation of the Blind of Hawaii, one member of the County Council of the County of Maui, and six individuals. Your Committees received comments on this measure from the Department of Labor and Industrial Relations.

Your Committees find that laws that allow payment of sub-minimum wage based on an individual's disability status are archaic and a possible violation of the Americans with Disabilities Act (ADA) of 1990, as amended. Your Committees further find that the employers who currently hold the certificate for sub-minimum wage are actually paying their employees statutory minimum wage, and the only reason for them obtaining the certificates is to meet the definition of QCRP under the Hawaii Public Procurement Code. The contracts that are awarded to QCRPs do not require payment of sub-minimum wage. This measure will eliminate the need for these employers from obtaining the special certificates.

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 Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 793, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 793, 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, 5. Noes, none. Excused, none.

Human Services: Ayes, 5. Noes, none. Excused, none.

SCRep. 477 Labor, Culture and the Arts on S.B. No. 936

The purpose and intent of this measure is to add a new section to the Hawaii Occupational Safety and Health Law to require:

- (1) The Department of Labor and Industrial Relations to disseminate information regarding seizure first aid to employers, employees, and the general public;
- (2) Employers to post materials provided by the Department of Labor and Industrial Relations; and
- (3) The Department of Labor and Industrial Relations to adopt rules to implement the new requirements.

Your Committee received testimony in support of this measure from ten 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. Your Committee finds that as of 2019, over fifteen thousand people in the State of Hawaii and over three million in the United States are living with epilepsy, and an additional ten percent of the population may experience a non-epileptic seizure in their lifetime. Your Committee also acknowledges testimony that seizures and strokes are becoming more common among individuals who contract the coronavirus disease 2019 (COVID-19). The prevalence of epilepsy and other seizure disorders in our community evidence a need to provide workplace education regarding seizure first aid. 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 also acknowledges the concerns raised by the Department of Labor and Industrial Relations regarding this statutory placement of the new requirements set forth in this measure and the difficulty in implementing and enforcing them. The Hawaii Occupational Safety and Health Law, codified at chapter 396, Hawaii Revised Statutes, is administered by the Hawaii Occupational Safety and Health Division (HIOSH). The jurisdiction of HIOSH is limited to ensuring that every employer furnishes its employees with a workplace that is safe and free from recognized hazards. Since seizures are currently deemed a medical condition and not a workplace hazard, HIOSH does not have the jurisdiction to enforce or require seizure first aid training for the public. Furthermore, since epileptic seizures or other seizures not directly caused by a workplace exposure to hazardous material is not considered a workplace injury or illness by state or federal standards, the cost of enforcement will not be covered by federal grants, and therefore must be fully funded by the State. According to the Department of Labor and Industrial Relations, the Governor has restricted state funds for the Department and further restrictions are likely to come. Based on the testimony from the Department, your Committee believes further discussion of this complex issue is needed.

Accordingly, 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 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. 936, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 936, 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 (Chang).

SCRep. 478 Labor, Culture and the Arts on S.B. No. 1082

The purpose and intent of this measure is to:

- (1) Clarify the definition of "compensation" for the purpose of calculating retirement benefits for public employees; and
- (2) Exclude recurring differentials from the definition of "base pay" and shortage differentials from the definition of "compensation", respectively.

Your Committee received testimony in support of this measure from the Employees' Retirement System (ERS). Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL CIO; Hawaii State Teachers Association; and one individual. Your Committee received comments on this measure from the City and County of Honolulu Department of Budget and Fiscal Services, City and County of Honolulu Department of Human Resources, and City and County of Honolulu Department of Information Technology.

Your Committee finds that ERS retirement benefits are calculated based on a formula which includes the employee's average final compensation; however, the eight separate employers who use the ERS are currently reporting their employees' payroll information to the system using inconsistent discretionary definitions of "base compensation". This inconsistency, in addition to creating inequality among public employees, also subjects the ERS to the risk of losing its tax-exempt status as a qualified pension plan. Therefore, your Committee finds that this measure is necessary to ensure that retirement benefits are computed fairly and equitably for all public employees, facilitate employer reporting of compensation on a consistent and timely basis, and eliminate risk to ERS's tax-exempt status.

Your Committee also finds that some employers who fill hard-to-fill positions by increasing the salary using shortage differential choose to continue paying the differential for the duration of the employee's career instead of reclassifying the position's salary to an appropriate market rate. Your Committee finds that excluding recurring differentials, including shortage differentials used in such manner, from the definitions of "base pay" and "compensation" will have an unintended detrimental effect on many employees.

Your Committee notes that S.B. No. 2867, S.D. 2 (Regular Session of 2020), which was previously passed by the Senate, is a substantially similar measure that also clarifies the definition of compensation for the purposes of calculating retirement benefits. According to the ERS, there is no substantive difference between this measure and S.B. No. 2867, S.D. 2.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2867, S.D. 2, a substantially similar measure, which clarifies the definition of compensation for the purposes of calculating retirement benefits;
- (2) Allowing "recurring differentials" to remain as part of "base pay" in section 88-21, Hawaii Revised Statutes;
- (3) Allowing "shortage differentials" to remain as part of "compensation" in section 88-21.5(b), Hawaii Revised Statutes; 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. 1082, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1082, 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. 479 Labor, Culture and the Arts on S.B. No. 1083

The purpose and intent of this measure is to facilitate the Employees' Retirement System's (ERS) processing of Hawaii domestic relations orders by providing clarity on the processing procedure and benefits subject to the orders. Specifically, this measure:

- (1) Applies Hawaii domestic relations orders to benefits that an ERS member is expected to receive or is receiving;
- (2) Authorizes release of a member's ERS information to be initiated by a complaint for divorce or a divorce decree;
- (3) Authorizes the ERS's advisory notification as to whether a proposed domestic relations order meets the requirement of a Hawaii domestic relations order to be given to the parties involved, in addition to the person who submitted the proposed order:
- (4) Prohibits a Hawaii domestic relations order that is enforced on a payout of benefits triggered by a member's termination of membership from being enforced on any subsequent benefits resulting from the former member becoming a member again;
- (5) For the purposes of calculating the death benefit payable to a designated beneficiary of a retirant who deceases within one year of retirement using the alternative benefit option, deducts payments made to an alternate payee pursuant to a Hawaii domestic relations order as payments received by the retirant;
- (6) Specifies that the priority among multiple orders will be determined based on the order in which the ERS receives the domestic relations order; and
- (7) Clarifies that the qualification of a domestic relations order shall supersede and terminate the qualification of any prior order between the same parties.

Your Committee received testimony in support of this measure from the Employees' Retirement System.

Your Committee finds that on July 1, 2020, ERS began its processing of Hawaii domestic relations orders that allow the ERS to disburse benefits to a member's former spouse or a spouse in a divorce action who is recognized under the order as an alternate payee. To facilitate the processing of the orders, there is a need to provide clarity on ERS's processing procedures and the types of benefits that are subject to the orders.

Your Committee notes that S.B. No. 2868, S.D. 1 (Regular Session of 2020), is a substantially similar measure that provides clarity on the processing of Hawaii domestic relations orders and the types of benefits that are subject to orders. S.B. No. 2868, S.D. 1, was previously passed by the Senate; however, further consideration was terminated due to the disruptions caused by the coronavirus disease 2019 (COVID-19) pandemic. There are no substantive differences between the two measures.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2868, S.D. 1, Regular Session of 2020, a substantially similar measure, which provides clarity on ERS's processing procedure and the types of benefits that are subject to the orders; 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. 1083, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1083, 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. 480 Labor, Culture and the Arts on S.B. No. 1084

The purpose and intent of this measure is to amend section 88-103, Hawaii Revised Statutes, to exempt the Employees' Retirement System (ERS) from disclosing certain types of alternative investment fund information, the disclosure of which would likely put the ERS at a competitive disadvantage, pursuant to the Uniform Information Practices Act (Modified), codified at chapter 92F, Hawaii Revised Statutes (UIPA).

Your Committee received testimony in support of this measure from the ERS. Your Committee received testimony in opposition to this measure from The Civil Beat Law Center for the Public Interest and UNITE HERE Local 5. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the ERS engages in diversified investment, including high-yield private alternative investment funds, to address its \$14.6 million unfunded liability and other financial needs. Due diligence into such investments requires the ERS to invest time and money in acquiring and analyzing detailed proprietary and confidential information regarding the projected performance of each fund. Under current law, information held by the ERS pertaining to such proprietary or confidential information is not explicitly exempted from disclosure under the UIPA. However, public disclosure of such proprietary and confidential information will put the ERS at a disadvantaged as a competitive investor, since competing investors could acquire ERS's investment intelligence at no cost and invest in the ERS's best investments. This may cause an oversubscription of such investments and thereby hinder the ERS formation investing in them. Your Committee further finds that based on the potential risk of the ERS disclosing or being required to disclose proprietary and confidential information pertaining to its portfolio, some high-performing funds have been deterred from allowing the ERS to invest with them.

Your Committee notes that S.B. No. 2869, S.D. 1 (Regular Session of 2020), is a substantially similar measure that exempted the ERS from disclosing certain types of alternative investment fund information pursuant to the UIPA. S.B. No. 2869 drew concern that the language of the exemption was written loosely enough for the ERS to assert in the future that the exemption applied not only to the information listed in the measure, but also to any records relating to the management and investment of ERS funds. Your Committee believes that the language in this measure clarifies that the only information being statutorily exempted from disclosure under the UIPA is information relating to ERS's alternative investments funds and leaves no room for an interpretation that the exemption may apply to records related to the ERS's general management and investment practices.

Your Committee acknowledges the concerns of The Civil Beat Law Center for the Public Interest and its request to revise the language to clarify that information that is currently subject to disclosure under the UIPA and other laws and is not exempted from disclosure under this measure remains subject to disclosure. Your Committee also believes that it is more appropriate to have provisions pertaining to disclosure of information by the ERS in section 88-103.5, Hawaii Revised Statutes, titled "Disclosure of information," rather than section 88-103, titled "Records".

Accordingly, your Committee has amended this measure by:

- (1) Amending section 2 to:
 - (A) Make amendments to section 88-103.5, Hawaii Revised Statutes, instead of section 88-103, Hawaii Revised Statutes; and
 - (B) Clarify that the exemptions from disclosure under this measure are in addition to any other records that may be exempt from disclosure pursuant to other laws;
- (2) Inserting an effective date of July 1, 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 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. 1084, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1084, 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 (Chang).

SCRep. 481 Labor, Culture and the Arts on S.B. No. 1087

The purpose and intent of this measure is to temporarily suspend the requirement for public employers to make annual required contributions into the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) for four years, through fiscal year 2024-2025.

Your Committee received testimony in support of this measure from the Department of Budget and Finance, County of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Health Committee of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Hawaii Employer-Union Health Benefits Trust Fund and Americans for Democratic Action Hawai'i.

Your Committee finds that the EUTF is a state agency administratively attached to the Department of Budget and Finance that provides eligible State and county employees and retirees and their eligible dependents with health and life insurance benefits. EUTF receives monthly contributions known as "pay-as-you go" premiums from public employers that is used towards the payment of costs for the beneficiaries' health benefit and group life insurance plans.

In 2013, to reduce the EUTF is substantial amount of unfunded liability, the Legislature passed Act 268, Sessions Laws of Hawaii 2013, that required the EUTF to establish a separate trust fund entitled the Other Post-Employment Benefits (OPEB) Trust, into which the employers must pay annual required contributions to pre-fund the OPEB plan costs for existing employees as well as pay down the EUTF's existing unfunded liability. The amount of annual required contribution is determined by the EUTF, and beginning fiscal year 2018-2019, public employers were required to pay an amount sufficient to fully cover the "normal cost", which is the OPEB cost attributable to the current year of service and the "amortization payment", which is a catch-up payment for past service costs to fund the unfunded actuarial accrued liability over the next thirty years.

Your Committee finds that on July 17, 2020, to address the \$2.3 billion budget shortfall resulting from the impacts of the coronavirus disease 2019 (COVID-19) pandemic, the Governor issued a Tenth Proclamation Related to the COVID-19 Emergency, which suspended the State's payment of \$408 million as the annual required contributions for the fiscal year ending June 30, 2021. As a result, for fiscal year 2020-2021, the State and counties contributions will be limited to their share of the monthly "pay-as-you-go" premiums and claims expenses. This measure will extend this suspension for four more years, until fiscal year 2024-2025.

In July 2020, Moody's Investors Service, one of the three major credit rating agencies that publish bond-ratings for Hawaii, downgraded the rating for the State's general obligation (GO) bonds from Aa1 to Aa2, considering the long-term effect of the COVID-19 pandemic on the State's economy. In October 2020, Fitch Ratings downgraded its rating for the State's outstanding GO bonds from AA+ to AA. S&P Global Ratings has assigned the State an AA+ rating with a negative outlook. Your Committee finds that the Department of Budget and Finance is requesting the suspension of the annual required contribution payments in this measure to balance the State's budget with minimum impact on the State's bond ratings. According to the Department, the four-year suspension will reduce the State's fixed costs by \$1,434,439,000, and provide the public employers with the flexibility to address budgetary shortfalls while the economy recovers from the impact of the COVID-19 pandemic.

Your Committee also recognizes the concerns raised in testimony on the negative impacts of the elongated suspension of the annual required contribution payments. Prefunding of the OPEB is a sound, long-term budget policy that hedges against the risk of the EUTF's annual current benefits payments outpacing its revenues. Prefunding also allows the investment earnings from the funds to be used in the future for payment of retiree premiums. The suspension of contributions will delay the public employers from reaching a full-funded status of their OPEB funds unless payments are accelerated after the suspension is repealed. According to the EUTF's projections, this measure will increase its unfunded liability, resulting in a net increase of \$4.1 billion in the State's required payments for fiscal years 2026 to 2055. Furthermore, the State's fringe benefits rate for non-general funds will be lower than it would be without the suspension.

Therefore, your Committee has considered amending this measure to shorten the duration of the suspension from four to two years with the opportunity for the Department of Budget and Finance to request for further extensions thereafter, if necessary. However, according to the Department, shortening the duration of the suspension period would result in a negative general fund ending balance for fiscal years 2024-2025 and 2025-2026. Since a state's general fund ending balance is one of the factors considered in bond ratings,

shortening the duration of the suspension may have a negative impact on the State's bond-rating. Based on the testimony from the Department, your Committee believes further discussion of this complex issue is needed.

Accordingly, 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 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. 1087, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1087, 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. 482 Labor, Culture and the Arts on S.B. No. 1158

The purpose and intent of this measure is to:

- (1) Allow the Department of Labor and Industrial Relations to revoke or suspend a permit to operate a pressure retaining item, amusement ride, or elevator and kindred equipment, for which the required fees or fines have not been paid; and
- (2) Eliminate the fee schedules for boilers and pressure systems, elevators and kindred equipment, and amusement rides.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations.

Your Committee finds that the Legislature established the Boiler and Elevator Special Fund in 2012, as a mechanism for self-sufficiency for the Boiler and Elevator Inspection Branch (Branch), Hawaii Occupational Safety and Health Division, Department of Labor and Industrial Relations (Department). The objective was to improve public safety by allowing the Branch to expend the fund to hire and retain the necessary staffing to clear the backlog of critical load tests on elevators, internal inspections of escalators, and inspections of amusement rides. In 2018, the fund was converted into the Boiler and Elevator Revolving Fund (Revolving Fund). Under the law, all fees collected for services rendered under the Boiler and Elevator Safety Law, such as inspection and examination fees and fees for issuance of permits, certificates, and licenses, are required to be paid into the Revolving Fund.

Your Committee finds, however, that the viability of the Revolving Fund is currently threatened, as the Department has been struggling to collect the fees for inspections that have been completed. Due to insufficient resources, the Department has not been able to perform inspections of all elevators and kindred equipment in a timely manner. Your Committee finds it imperative that the Revolving Fund be revitalized for the interest of public safety. This measure, which allows the Department to revoke or suspend permits to operate equipment in the event the required fees are unpaid, will encourage the timely payment of fees, and assist in the revitalization of the Revolving Fund. Your Committee also finds that the fee schedules for boilers and pressure systems, elevators and kindred equipment, and amusement rides are outdated and unnecessary, as they are now set forth in the Department's administrative rules.

Accordingly, your Committee has amended this measure by:

- (1) Making a conforming amendment to section 397-2, 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 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. 1158, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1158, 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. 483 Labor, Culture and the Arts on S.B. No. 1275

The purpose and intent of this measure is to:

- (1) Require each state government branch to establish a shared leave program for state employees;
- (2) Preclude state government branches from prohibiting leave sharing between employees of different departments or bargaining units because of administrative infeasibility; and
- (3) Allow a public employee to designate beneficiaries to the employee's unpaid vacation allowance and wages through a statement that is not verified or written.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association and Hawaii Government Employees Association, AFSCME Local 152, AFL CIO. Your Committee received testimony in opposition to this measure from the Department of Human Resources Development.

Your Committee finds that the State's existing shared leave program does not allow sharing of leave across separate employer jurisdictions. Your Committee also finds that because each jurisdiction has their own set of policies and rules, implementation of a multi-jurisdictional shared leave program would require an assessment of existing policies and programs across all jurisdictions to assess integration into a centralized system. This would require coordination among all state jurisdictions and a budget for staffing, software development and maintenance, security, and hosting. Since the conditions for usage of the program include limitation over the life of an employee's state employment, a comprehensive and sustainable tracking system would also be necessary. Authority for the grant and appeals process would require formalization to include a multi-jurisdictional board to insure fairness and transparency

across the affected jurisdictions. Therefore, your Committee finds that there is need for additional time for the State to assess the implications, the necessary protocols, and budgeting to implement this measure.

Accordingly, your Committee has amended this measure by:

- (1) Retaining the six-month minimum service and absence of disciplinary record of sick leave abuse within the past two years under sections 78-26(b)(1) and (4), Hawaii Revised Statutes, as eligibility criteria for participation in the shared leave program;
- Appropriating an unspecified amount of general funds to be expended by the Department of Human Resources Development for the purposes of this measure;
- (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 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. 1275, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1275, 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. 484 Labor, Culture and the Arts on S.B. No. 1380

The purpose and intent of this measure is to authorize the issuance of general obligation bonds in the sum of \$1,000,000 to finance capital improvement projects for Iolani Palace to be expended by the Department of Accounting and General Services; specifically, as funding for the construction for roof repairs and improvements to the palace.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; The Friends of Iolani Palace; Aloha State Services, Ltd.; Oahu Economic Development Board; and five individuals.

Your Committee finds that Iolani Palace, constructed in 1879, 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. The 142-year-old palace is an important cultural and historical landmark that represents the dignity and unique history of the people of Hawaii.

According to the Department of Land and Natural Resources, the last time portions of the palace's roof were repaired was two decades ago in 2000, and due to increasing decay and leakage during rain, the roof and various other architectural elements of the palace are deteriorating. Your Committee also acknowledges that The Friends of Iolani Palace, the non-profit corporation that preserves, restores, and protects the Iolani Palace, receives no financial subsidy from the State for operational support. As such, the corporation relies solely on ticket sales, gift shop sales, and donations to develop the cultural exhibits and functions held at the palace to educate people about Hawaii's history and culture. According to the testimony of The Friends of Iolani Palace, the disruption caused by the coronavirus disease 2019 (COVID-19) pandemic required the palace to close for nearly four months, resulting in the corporation cutting their employees' salaries and terminating nearly half of its staff. During such disruption, the roof of the palace continued to leak, and a new leak was discovered recently during heavy rains. This measure will provide funding to address the critical need for roof repair and improvements to the palace to protect the integrity of various antiquities and elements of this treasured historical site.

Your Committee also notes the testimony of the Department of Land and Natural Resources regarding the allocation of departmental duties regarding the maintenance and management of Iolani Palace. Specifically, the Department of Accounting and General Services is responsible for the maintenance and management of the grounds, trees, and parking areas surrounding Iolani Palace, whereas capital improvements for the buildings and appurtenant structures are administered by the Department of Land and Natural Resources. As such, the funding for the construction of roof repair and improvements to the Iolani Palace should be expended by the Department of Land and Natural Resources.

Your Committee has amended this measure by:

- (1) Amending section 2 to reflect that the sum appropriated for this measure be expended by the Department of Land and Natural Resources; 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 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. 1380, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1380, 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 (Chang).

SCRep. 485 (Joint) Labor, Culture and the Arts and Human Services on S.B. No. 1270

The purpose and intent of this measure is to replace the Director of Human Services with the Administrator of the Division of Vocational Rehabilitation, Department of Human Services, as an ex officio voting member of the Workforce Development Council, Department of Human Services.

Your Committees received testimony in support of this measure from the Workforce Development Council, Department of Human Services, and State Council on Developmental Disabilities.

Your Committees find that federal regulations that implement the Workforce Innovation Opportunity Act (WIOA) of 2014, specifically, title 34 Code of Federal Regulations section 361.13(c), provide participation in the state's workforce development system as a non-delegable responsibility of a state's vocational rehabilitation agency. Furthermore, under title 20 Code of Federal Regulations sections 679.110(b)(3)(iii)(A)(1)(iii) and 679.120(a), a representative of the state's vocational rehabilitation agency with optimum policy-making authority is required to serve on the State Workforce Development Board. Failure to comply with these regulations will subject the Hawaii WIOA Unified State Plan to loss of its federal approval, resulting in possible penalties. Your Committees find that the Administrator of the Division of Vocational Rehabilitation, Department of Human Services, is best qualified for this position and that this measure is necessary to comply with federal regulations.

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. 1270 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Human Services: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 486 (Joint) Water and Land and Agriculture and Environment on S.B. No. 693

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources (DLNR) and the Department of Agriculture (DOA) to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district;
- (2) Require that agricultural lands under the jurisdiction of DLNR be transferred to the DOA no later than December 31, 2023;
- (3) Require the DLNR and DOA to meet every five years to discuss transferring remaining lands; and
- (4) Require the DOA to inquire about any easements needed by DLNR before offering a lease.

Your Committees received testimony in support of this measure from the Department of Agriculture; Hawai'i Farm Bureau; Maui County Farm Bureau; Hawaii Cattlemen's Council, Inc.; Hawaii Crop Improvement Association; Local Food Coalition; Ulupono Initiative; Hawaii Aquaculture and Aquaponics Association; Land Use Research Foundation of Hawaii; Kapapala Ranch; Jay's Hog Farm; Ponoholo Ranch Limited; Larry Jefts Farms, LLC; MauiGrown Coffee, Inc.; Ulupalakua Ranch; Hawaii Meats LLC; and twenty individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Sierra Club of Hawai'i, Conservation Council for Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, and one individual.

Your Committees find that this measure facilitates the transfer of certain non-agricultural park lands from DLNR to DOA pursuant to Act 90, Session Laws of Hawaii 2003, and chapter 166E, Hawaii Revised Statutes, regarding non-agricultural park lands.

Your Committees have amended this measure by:

- Specifying that the easements required by DLNR in this measure are easements to access landlocked forest reserves or other DLNR assets; 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. 693, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 693, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 5. Noes, none. Excused, none.

 $Agriculture\ and\ Environment:\ Ayes,\ 5;\ Ayes\ with\ Reservations\ (Acasio,\ Rhoads,\ Fevella).\ Noes,\ none.\ Excused,\ none.$

SCRep. 487 Water and Land on S.B. No. 1182

The purpose and intent of this measure is to repeal section 171-8.5, Hawaii Revised Statutes, establishing the Koke'e State Park Advisory Council.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Kōke'e Leaseholders Association.

Your Committee finds that the implementation of the Kōke'e/Waimea Canyon Final Master Plan can take years, if not decades, and requires consultation and community collaboration to have a successful outcome. However, for a variety of reasons, the Kōke'e Advisory Council has not been populated with necessary members. Community advisory groups and other organizations are more flexible than legislatively appointed groups and are equally able to develop long-term relationships with the Division of State Parks. Therefore, this measure repeals the statutory establishment of the Kōke'e State Park Advisory Council. Your Committee encourages the community to continue to engage with the Division of State Parks to fulfill the remaining mandates intended for the statutory Kōke'e State Park Advisory Council.

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. 1182 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 (Riviere).

SCRep. 488 (Joint/Majority) Water and Land and Agriculture and Environment on S.B. No. 1292

The purpose and intent of this measure is to exempt the proposed drilling, construction, or use of a well on lands leased from the Department of Agriculture from the requirements of relevant environmental impact statement laws, provided that the land is being used to support agriculture and food production.

Your Committees received testimony in support of this measure from the Hawai'i Farm Bureau and one individual. Your Committees received testimony in opposition to this measure from the Office of Environmental Quality Control and Office of Hawaiian Affairs. Your Committees received comments on this measure from the Department of Agriculture, Department of Land and Natural Resources, and Commission on Water Resource Management.

Your Committees find that agricultural water is needed for uses such as irrigating crops, pasture, livestock, and processing for sale. Reported agricultural ground water use from two hundred fifty-six of the total four hundred thirty-four agricultural wells in the State is around twenty million gallons per day, as the industry transitions from large scale to smaller diversified agriculture; that does not account for surface water use. Research shows that agricultural water use may have significant impacts on groundwater recharge and corresponding groundwater sustainable yields and setting of instream flow standards. Before drilling a well to tap into the abundant aquifer to expand food production, farmers who lease land from the Department of Agriculture must obtain an environmental impact statement (EIS). Testifiers have stated that the requirements of the EIS may delay beneficial projects until they are no longer feasible. With the coronavirus disease 2019 pandemic renewing awareness of the critical importance of food production and self-sufficiency, this measure seeks to assist farmers by providing water essential to the generation of productive agricultural lands.

Your Committees have heard the concerns of testifiers that the exemption contemplated by this measure would subvert the laws and processes in place to protect Hawaii's fragile natural and cultural resources from avoidable and unnecessary impacts despite efforts to expedite projects that promote local food sustainability and agriculture. The environmental review process outlined in chapter 343, Hawaii Revised Statutes, demonstrates the State's desire for careful planning to preserve its finite natural resources. The exemption in this measure may result in significant and adverse impacts. Pursuant to section 343-6, Hawaii Revised Statutes, and section 11-200-8(a), Hawaii Administrative Rules, the Department of Agriculture lessees enjoy an exemption from EIS requirements for the construction of "small" facilities, including for public utility services, and "minor" accessory structures, which may contain small wells. However, exemptions for proposed large well structures may fail to consider impacts to streams and springs fed by groundwater sources, adjacent native species habitat, native Hawaiian traditional and customary practices, and sites of cultural significance.

Accordingly, your Committees have amended this measure by:

- (1) Placing the exemption within chapter 343, Hawaii Revised Statutes, relating to EIS, rather than chapter 174C, Hawaii Revised Statutes, relating to the State Water Code;
- (2) Inserting an effective date of July 1, 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 Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1292, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1292, 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; Ayes with Reservations (Riviere). Noes, 1 (Fevella). Excused, none.

Agriculture and Environment: Ayes, 3; Ayes with Reservations (Nishihara, Rhoads). Noes, 2 (Acasio, Fevella). Excused, none

SCRep. 489 (Joint) Energy, Economic Development, and Tourism and Labor, Culture and the Arts on S.B. No. 1023

The purpose and intent of this measure is to require a certain percentage of the Transient Accommodations Tax to be allocated to provide funding for the Bishop Museum and Iolani Palace.

Your Committees received testimony in support of this measure from the Oahu Economic Development Board, Bishop Museum, Iolani Palace, Aloha State Services, Historic Hawai'i Foundation, Hawai'i Arts Alliance, and seven individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and Tax Foundation of Hawaii.

Your Committees find that the Bishop Museum stewards more than twenty-five million catalogued objects and includes over one million cultural artifacts representing Native Hawaiian, Pacific Island, and Hawaii immigrant life. Your Committees also find that the Bishop Museum offers science and cultural educational programs to thousands of Hawaii's schoolchildren each year and through its work it also actively supports tourism and economic development.

Your Committees further find that the Iolani Palace is the only royal palace in the United States and due to its intrinsic value as a significant historic building, it serves a poignant role representing the Hawaiian monarchy. Your Committees also find that the tourism industry has depicted Iolani Palace as an enticing backdrop for marketing and is a popular tourism venue.

Your Committees also recognize that during the coronavirus disease 2019 (COVID-19) pandemic, both the Bishop Museum and Iolani Palace suffered a substantial loss of revenue due to the lack of visitors and events. Accordingly, your Committees believe that applying a fixed amount of the Transient Accommodations Tax to the Bishop Museum and Iolani Palace will provide a stable funding source for their continued operation and enable the preservation of the valuable and precious antiquities of Hawaii's history.

Your Committees have amended this measure by:

(1) Requiring a fixed amount of \$750,000, instead of applying a certain percentage, of the Transient Accommodations Tax to be allocated to the Iolani Palace; and

(2) Requiring a fixed amount of \$1,500,000, instead of applying a certain percentage, of the Transient Accommodations Tax to be allocated to the Bishop Museum.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism 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. 1023, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1023, 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. Noes, none. Excused, none.

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

SCRep. 490 Energy, Economic Development, and Tourism on S.B. No. 921

The purpose and intent of this measure is to amend the motion picture, digital media, and film production income tax credit, pursuant to section 235-17, Hawaii Revised Statutes, by:

- (1) Reducing the cap amount and aggregate cap amount of the credit;
- (2) Establishing a maximum amount of above-the-line costs that may be used to claim the credit;
- (3) Reducing a minimum amount of qualified productions costs needed to claim the credit;
- (4) Requiring qualified production costs to be incurred through a qualified vendor;
- (5) Requiring at least seventy-five percent of a qualified production to be filmed in the Sate if the taxpayer claims a credit in excess of \$5,000,000 in a single taxable year;
- (6) Requiring that the State receive a percentage of the worldwide gross revenues of a qualified production if the taxpayer claims credits in excess of \$15,000,000 in two taxable years;
- (7) Reducing the total tax credits claimed per qualified production to \$12,000,000;
- (8) Requiring the Department of Business, Economic Development, and Tourism to make a public disclosure identifying the name of the taxpayers who are receiving the tax credits and the total amount of tax credit received;
- (9) Defining "above-the-line costs" and "qualified vendor"; and
- (10) Extending the repeal date of the tax credit from January 1, 2026 to January 1, 2033.

Your Committee received testimony in support of this measure from the Island Group. Your Committee received testimony in opposition to this measure from the Motion Picture Association. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Taxation; Department of the Attorney General; and Tax Foundation of Hawaii.

Your Committee finds that this measure is an important tool to foster the State's economic recovery efforts amidst the coronavirus disease 2019 pandemic.

Your Committee further finds that the Department of Business, Economic Development, and Tourism testified that 2021 is gearing up to be an explosive year in production and entertainment around the globe and also in Hawaii because of the increased demand for streaming content worldwide during the pandemic. The Legislature believes that it is important to enable the State to continue this production momentum, create jobs, and sustain the pipeline of opportunity for local students, while also allowing the State to attract private investment.

Accordingly your Committee finds that amending the measure to reduce the tax credit cap per qualified production will promote continued expansion of production opportunities in the State.

Your Committee has amended this measure by:

- (1) Retaining the provision reducing the total tax credits claimed per qualified production to from \$15,000,000 to \$12,000,000;
- (2) Requiring the Department of Business, Economic Development, and Tourism to make a public disclosure identifying the name of the taxpayers who receive the tax credits and the total amount of tax credit received;
- (3) Deleting the rest of its contents; 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. 921, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 921, 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 (Lee).

SCRep. 491 Health on S.B. No. 25

The purpose and intent of this measure is to:

- (1) Permit minors to consent to medical care related to the diagnosis or treatment of the human immunodeficiency virus (HIV) or the prevention of HIV; and
- (2) Provide that a minor, under certain circumstances, will not be liable for payment for treatment or prevention of HIV.

Your Committee received testimony in support of this measure from the Department of Health, Kaiser Permanente Hawaii, LGBT Caucus of the Democratic Party of Hawai'i, Hawai'i Health & Harm Reduction Center, Mālama I Ke Ola Health Center, Hawaii Youth Services Network, Pride at Work - Hawai'i, Hawai'i Academy of Physician Assistants, and eight individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that persons between the ages of thirteen and twenty-four accounted for twenty-one percent of new diagnoses of new HIV diagnoses in 2017. Of those, forty-four percent were unaware of their HIV status. Your Committee further finds that this age group is the least likely to test for HIV, receive HIV treatment or be virally suppressed, or be offered HIV prevention treatment. This measure enables and encourage minors age fourteen to seventeen to obtain HIV related medical care without involvement of a parent or guardian.

Your Committee recognizes the testimony of Kaiser Permanente Hawaii, which notes that in Hawaii, physician assistants practice in primary care and in every medical and surgical subspeciality and proposes amendments that would allow physician assistants to also provide the medical services in the measure.

Therefore, your Committee has amended this measure by:

- Authorizing licensed physician assistants to perform the same medical care and services related to HIV as licensed physicians and advanced practice registered nurses; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 25, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 25, 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. 492 Health on S.B. No. 279

The purpose and intent of this measure is to:

- (1) Raise the minimum age requirement to enter into marriage from sixteen to eighteen years of age;
- (2) Remove the requirement for parental consent and written approval by the family court for a minor to marry;
- (3) Remove spousal cohabitation after the parties attain legal age as an exception for an annulment based on nonage; and
- (4) Make conforming amendments.

Your Committee received testimony in support of this measure from the AHA Foundation, Small Business Association Leadership Council, Global Hope 365, Unchained At Last, National Consumers League, CHILD USA, American Atheists, Students Against Child Marriage, William & Mary Law School Center for Racial & Social Justice, Hawaii Zonta International, and nine individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that child marriage can severely limit opportunities and poses risks to health, education, and economic freedom. In certain cases, minors lack the rights and resources of adults and are more vulnerable to coercion and predation. This measure would raise the minimum age requirement to enter into marriage from sixteen to eighteen to conform to other age thresholds that grant certain rights and responsibilities. However, according to the Department of Health, in general, marriage with persons under the age of eighteen or couples with an age difference of ten to twenty-one years is an uncommon occurrence in Hawaii, but there are a small number of outlier cases that prompt closer scrutiny. Due to a number of possible circumstances including family resilience, socioeconomic potential, cultural perspectives, and a number of other considerations, amendments to this measure are necessary to address these issues.

Your Committee has amended this measure by:

- (1) Amending section 1 to reflect its amended purpose;
- (2) Deleting section 2 of the measure to retain the existing statutory definitions of "guardianship of a minor" and "residual parental rights and responsibilities", which include consent to marriage;
- (3) Deleting section 3 of the measure to retain exclusive original jurisdiction in court proceedings involving judicial consent to the marriage of a child;
- (4) Deleting language that would have raised the minimum age requirement to enter into marriage from sixteen to eighteen years of age;
- (5) Restoring existing statutory language that requires each of the parties at the time of contracting the marriage to be at least sixteen years of age; provided that, with the written approval of the family court of the circuit within which the minor resides, it shall be lawful for a person under the age of sixteen years, but in no event under the age of fifteen years, to marry;
- (6) Inserting language that requires the Child Protective Services Unit of the Department of Human Services to investigate and report to the family court before approving any marriage wherein one of the parties is a minor and the other party is more than five years older than the minor;

- (7) Deleting sections 5, 6, 7, 8, and 9 of the measure that would have made certain conforming amendments, and restoring existing statutory language that requires parental consent for a minor to marry and spousal cohabitation after the parties attain legal age as an exception for an annulment based on nonage; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 279, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 279, 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. 493 Health on S.B. No. 602

The purpose and intent of this measure is to:

- Prohibit certain contracts for managed care, entered into after June 30, 2021, from containing a provision that authorizes
 pharmacy benefit managers to reimburse a contracting pharmacy on a maximum allowable cost basis, and voids any such
 provisions in existing managed care contracts;
- (2) Prohibit pharmacy benefit managers from engaging in self-serving or deceptive business practices;
- (3) Prohibit pharmacy benefit managers from engaging in unfair methods of competition or unfair practices;
- (4) Prohibit pharmacy benefit managers from retaining any portion of spread pricing;
- (5) Prohibit pharmacy benefit managers from reimbursing a 340B pharmacy differently than any other network pharmacy;
- (6) Prohibit pharmacy benefit managers from reimbursing an independent or rural pharmacy an amount less than the rural rate for each drug under certain circumstances;
- (7) Prohibit pharmacy benefit managers from prohibiting a pharmacist to provide certain information to insureds;
- (8) Increase pharmacy benefit managers' annual reporting requirements;
- (9) Require the insurance commissioner to file annual reports with the legislature;
- (10) Increase pharmacy benefit manager registration and renewal fees; and
- (11) Make certain violations by 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 Queen's Health Systems; Hawaii Primary Care Association; Pharmacare Hawaii, Inc.; Times Supermarkets; National Community Pharmacists Association; and three individuals. Your Committee received testimony in opposition to this measure from Hawaii Association of Health Plans; Hawaii Medical Service Association; and Cigna Healthcare, Inc. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs; Department of Health; Hawaii Employer-Union Health Benefits Trust Fund; Kaiser Permanente Hawaii; CVS Health Solutions, LLC; and Pharmaceutical Care Management Association.

Your Committee finds that rural and independent pharmacies are critical healthcare infrastructure in areas that may not yield enough revenue potential for big box pharmacies. Moreover, rural and independent pharmacies have deep roots in their communities that enhance their value to kupuna and other vulnerable residents. Your Committee finds that pharmacy benefit managers are companies that manage prescription drug benefits on behalf of health insurers and other payors. Pharmacy benefits managers wield great negotiating power, and thus have a significant behind-the-scenes impact in determining total drug costs for insurers, shaping patients' access to medications, and determining how much pharmacies are paid. While pharmacy benefit managers can provide value to the healthcare system, as third-party business entities, they also have economic interests that can add costs, or keep drug prices higher than they should be.

Your Committee further finds that rural and independent pharmacies across the United States are struggling financially due to the decreased reimbursement rates for prescription that are determined by pharmacy benefit managers. Additionally, more and more rural and independent pharmacies are closing, leaving residents in less populated areas without a pharmacist to fill prescriptions. This measure increases transparency and fairness in business dealings by pharmacy benefits managers.

Your Committee recognizes the testimony of the Insurance Commissioner of the Department of Commerce and Consumer Affairs' Insurance Division, who proposed amendments that clarify several areas of the measure. Your Committee also recognizes the testimony of several stakeholders in the healthcare community who testified that some of the proposed amendments would be untenable for pharmacy benefits managers. Therefore, your Committee has amended this measure by:

- (1) Removing the prohibitions against self-dealing and spread pricing;
- (2) Removing the annual examination requirement for the Insurance Commissioner;
- (3) Adding a definition of "rural" to have the same meaning as defined in section 1B-1(c), Hawaii Revised Statutes;
- (4) Removing the amendments to the definition of "pharmacy benefit manager";
- (5) Removing the deletion of health maintenance organizations from the definition of "covered entity";
- (6) Setting, at an undetermined amount, the:

- (A) Pharmacy benefit manager license application fee;
- (B) Pharmacy benefit manager license renewal fee; and
- (C) Penalty for a pharmacy benefit manager for failing to renew its license;
- (7) Removing the amendment that would allow penalties for a person acting as a pharmacy benefit manager without first being registered to be cumulative;
- (8) Inserting an effective date of July 1, 2050, to encourage further discussion;
- (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 record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 602, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 602, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 494 Health on S.B. No. 618

The purpose and intent of this measure is to:

- (1) Amend the Uniform Parentage Act to allow non-gestational partners to voluntarily establish parentage of a child during the period immediately prior to or following the birth of the child; and
- (2) Require the State to recognize parentage determinations from other states and territories.

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 Hawaii, AF3IRM Hawai'i, Planned Parenthood Votes Northwest and Hawaii, Hawai'i Women's Coalition, Trans Hawaii Project, and one hundred and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that existing parentage laws reflect cisheteronormative concepts of families, parenthood, and parental rights. Your Committee further finds that because parentage laws use the terms "paternity", "natural mother", and "natural father", LGBTQ+ parents are forced to obtain post-birth adoption decrees that cost thousands of dollars, otherwise known as the "queer parent penalty", placing an extreme financial and emotional burden on queer families who wish to adopt children. This measure removes this penalty by allowing non-gestational partners of any gender identity to voluntarily establish parentage at the time of a child's birth.

Your Committee recognizes the testimony of the Department of the Attorney General, which expresses concern that the measure as drafted would create inconsistencies in the Uniform Parentage Act and thereby lead to unintended effects, such as precluding male same-sex couples from establishing parentage at the time of birth. Therefore, your Committee has amended this measure by:

- (1) Defining "gestational parent" to mean an individual who gives birth to a child;
- (2) Defining "non-gestational parent" to mean an individual of any gender identity who establishes their co-parentage of a child with the consent of a gestational parent; and
- (3) Authorizing two non-gestational parents to expedite the establishment of parentage at the time of a child's birth.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 618, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 618, 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 (Fevella). Noes, none. Excused, none.

SCRep. 495 (Joint) Health and Commerce and Consumer Protection on S.B. No. 619

The purpose and intent of this measure is to amend provisions concerning fitness to proceed examinations in criminal proceedings to specify circumstances in which qualified advanced practice registered nurses or advanced practice registered nurses with certain required certifications may participate.

Your Committees received testimony in support of this measure from Hawai'i State Center for Nursing, The Queen's Health Systems, Hawai'i – American Nurses Association, Hawai'i Association of Professional Nurses, and six individuals. Your Committees received testimony in opposition to this measure from the Department of the Attorney General, Department of Health, Hawai'i Psychological Association, and two individuals. Your Committees received comments on this measure from the Judiciary and Board of Nursing.

Your Committees find that there is a need for greater access to healthcare, including forensic evaluation services relating to fitness to proceed examinations in criminal proceedings, particularly for those communities in rural areas and on the neighbor islands. Your Committees further find that this measure provides courts with greater flexibility by allowing qualified advanced practice registered nurses or advanced practice registered nurses (APRN) with prescriptive authority who hold an accredited national certification in an advanced practice registered nurse psychiatric specialization to conduct fitness to proceed evaluations in criminal proceedings. Your Committees also find that the State has adopted the national best practices for APRNs and enacted administrative rules that create a safe practice environment with clear standards to ensure high quality and safe care by APRNs.

Your Committees note the concerns of the Department of Health and the Department of the Attorney General that Act 26, Session Laws of Hawaii 2020, which made recent changes to the forensic examination panel process, be allowed to operate without further changes to the applicable laws so that its effects can be monitored and assessed.

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 Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 619, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 619, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5; Ayes with Reservations (Moriwaki, San Buenaventura, Fevella). Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7; Ayes with Reservations (Misalucha, San Buenaventura, Fevella). Noes, none. Excused, none.

SCRep. 496 (Joint) Health and Commerce and Consumer Protection on S.B. No. 620

The purpose and intent of this measure is to:

- (1) Authorize advanced practice registered nurses to certify whether a person is totally disabled under the income tax code;
- (2) Authorize advanced practice registered nurses to make capacity determinations; and
- (3) Add advanced practice registered nurses as primary providers in advance mental health care directives.

Your Committees received testimony in support of this measure from the Hawai'i State Center for Nursing, Hawai'i – American Nurses Association, Hawai'i Association of Professional Nurses, The Queen's Health Systems, Hawaii Nurses' Association, and five individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Taxation, Board of Nursing, and Hawai'i Psychological Association.

Your Committees find that there is a need for greater access to healthcare in the State, especially in rural communities and on the neighbor islands. Because there is a well-documented physician shortage in the State, authorizing the readily-available advanced practice registered nurse (APRN) workforce to engage in activities within their scope of practice and in accordance with their education, training, and licensure provides a reasonable means of addressing this problem.

Your Committees also find that there are APRNs in all regions of the State with more than twenty-five percent working in rural areas. A majority of APRNs who work on the neighbor islands are also located in federally designated medically underserved areas. Expanding their authority could bring valuable services to those communities. Your Committees further find that this measure would allow APRNs to assist in important and high-demand services such as certifying whether a person is totally disabled under the income tax code, making capacity determinations, and serving as primary providers in advance mental health care directives.

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 Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 620, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 620, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 497 Health on S.B. No. 732

The purpose and intent of this measure is to:

- (1) Direct the Department of Health to create a two-year non-violent response team pilot program; and
- (2) Appropriate funds for the non-violent response team pilot program.

Your Committee received testimony in support of this measure from Hawai'i Psychological Association, Young Progressives Demanding Action, and twenty-one individuals. Your Committee received testimony in opposition to this measure from the Department of Health.

Your Committee finds that Oahu has about 4,448 homeless people, twenty-three percent of whom report having mental health problems, and eighteen percent of whom report having a substance use problem. Many of those people end up having encounters with the police that result in arrest and incarceration. Your Committee further finds that a crisis intervention team would be more effective than law enforcement in responding to homeless people in distress and others with mental health or substance use disorders and could save the State in incarceration, ambulance, and emergency room costs. This measure directs the Department of Health to create a two-year non-violent response team pilot program.

Your Committee recognizes the testimony of the Department of Health, which raised concerns that the Department already has a program in place called the Hawaii CARES Program, which serves the purposes of the proposed pilot program. While your

Committee is in strong support of the establishment of the non-violent response team pilot program, your Committee also recognizes the financial constraints of the State.

Therefore, your Committee has amended this measure by deleting its contents and inserting language to:

- (1) Direct the Legislative Reference Bureau to conduct a study examining the efficacy of the Hawaii CARES Program offered by the Department of Health's Behavioral Health Administration Adult Mental Health Division;
- (2) Require that the study include the following:
 - (A) A summary of the responses and interventions made by the Hawaii CARES Program during the past five years, including intervention responses to incidents related to mental health, substance abuse, suicide threats, as well as providing conflict resolution and welfare checks on the island of Oahu;
 - (B) Whether any of the responses and interventions listed in subparagraph (a) involved an armed response; and
 - (C) A financial report for the preceding five fiscal years; and
- (3) Require that the Legislative Reference Bureau submit a report of its findings and recommendations, including any proposed legislation, 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 732, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 732, 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. 498 Health on S.B. No. 858

The purpose and intent of this measure is to:

- (1) Require the Department of Health to establish a certification process, oversight board, and reimbursement process for services performed by community health workers; and
- (2) Require the Department of Health, supported by a task force of stakeholders, to provide a report to the Legislature no later than twenty days prior to the start of the 2022 legislative session.

Your Committee received testimony in support of this measure from Hui Malama Pono Hawaii Foundation; Kau Rural Health Community Association, Inc.; Hawaii Public Health Institute; Kau Rural Health Community Association, Inc.; and eight individuals. Your Committee received testimony in opposition to this measure from the Department of Health and three individuals. Your Committee received comments on this measure from the Hawai'i Public Health Institute, Hawai'i Primary Care Association, and two individuals.

Your Committee finds that Hawaii is facing a shortage of medical professionals, especially in geographically isolated and homeless communities. Community health workers help support medical practices by providing essential health education and working with social service programs, which are currently struggling to keep up with the demands placed on the behavioral health care system as a result of the coronavirus disease 2019 pandemic. Community health workers have been underutilized and this measure would establish a pathway for certification and reimbursement for services rendered by community health workers. Your Committee notes the concerns raised in testimony that this measure, in its current form, may be premature in its establishment of the certification process, and that at this stage, the framework for that process should first be determined. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Amending section 1 to reflect its amended purpose;
- (2) Deleting sections 2 and 3 of the measure, which would have established a certification process, an oversight board, and a reimbursement process for services performed by community health workers; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 858, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 858, S.D. 1, and be referred to your Committees on Ways and Means and Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 499 Health on S.B. No. 975

The purpose and intent of this measure is to establish procedures for the auditing of pharmacies.

Your Committee received testimony in support of this measure from the National Community Pharmacists Association; Molokai Drugs, Inc.; Times Supermarket and Times Pharmacy; Pharmacy Audit Assistance Services, LLC; Kamehameha Pharmacy, LLC; and one individual. Your Committee received testimony in opposition to this measure from Kaiser Permanente Hawaii. Your Committee received comments on this measure from the Department of Health; Hawaii Employer-Union Health Benefits Trust Fund; and CVS Health, Inc.

Your Committee finds that pharmacy audits are a necessary practice to identify fraud, abuse, and wasteful spending. However, your Committee also finds that pharmacy audits are often abused by pharmacy benefit managers as additional revenue sources by targeting community pharmacies and recouping money for harmless clerical errors where the correct medication was properly dispensed, and no financial harm was incurred. In many instances, the pharmacy benefit manager not only recoups the money paid to the pharmacy for the claim in question, but also recoups the money paid for every refill of that claim, even if all other fills were dispensed without error. This measure establishes procedures and rules for pharmacy audits that are necessary to prevent abuse of pharmacy audits.

Your Committee recognizes the testimony of Kaiser Permanente Hawaii, which raised concerns that the measure, as drafted, will have the unintended consequence of promoting healthcare fraud, waste, and abuse, and requests amendments to the measure to prevent abuse and ensure contract pharmacy compliance.

Accordingly, your Committee has amended this measure by:

- Removing the requirement that the auditing entity give the pharmacy being audited at least two weeks written notice prior to conducting an initial audit;
- (2) Removing the requirement that the period covered by an audit not exceed one year from the date the claim was submitted to or adjudicated by an auditing entity;
- (3) Removing the requirement that an audit not take place during the first seven days of the month, unless otherwise consented to by the pharmacy;
- (4) Inserting an effective date of July 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 975, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 975, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 500 Health on S.B. No. 1298

The purpose and intent of this measure is to:

- (1) Increase the advance disposal fee collected on glass containers to five cents; and
- (2) Remove the exemption for glass deposit beverage containers.

Your Committee received testimony in support of this measure from the Department of Health, Zero Waste Big Island, Qan LLC, and fifty-two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association, Wine Institute, Chamber of Commerce Hawaii, Glass Packaging Institute, and Hawaii Liquor Wholesalers Association.

Your Committee finds that the Hawaii Advanced Disposal Fee (ADF) program has not changed the 1.5 cents fee imposed on glass containers in twenty-seven years. Section 342G-84, Hawaii Revised Statutes, mandates that the Department of Health allocate funds collected by the advance disposal fee to each county based on that county's de facto population, so that the counties may operate glass recovery programs. Increasing the fee will allow the Department of Health to allocate a greater amount of funds to the less-populated neighbor islands and will provide a dramatic increase in funds vital for the continuation of the glass recycling program. With landfills reaching limited capacity throughout the State, the Legislature acknowledges the need to ensure the maintenance of glass recovery programs that divert disposed products from landfills.

Your Committee has amended this measure by:

- (1) Keeping the provision that applies the glass advance disposal fee only to glass containers that are not glass deposit beverage containers:
- (2) Inserting a blank amount for the disposal fee collected on glass containers; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1298, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1298, 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. 501 (Joint) Health and Commerce and Consumer Protection on S.B. No. 1332

The purpose and intent of this measure is to:

- (1) Increase the allowable number of production centers and retail dispensing locations per dispensary license; and
- (2) Authorize the Department of Health to allow a licensed dispensary to purchase medical cannabis or manufactured cannabis products from another licensed dispensary to ensure ongoing qualified patient access.

Your Committees received testimony in support of this measure from Big Island Grown Dispensaries; Green Aloha, Ltd.; Hawai'i Cannabis Industry Association; and one individual. Your Committees received comments on this measure from the Department of Health and Akamai Cannabis Clinic.

Your Committees find that there is a need to fortify and enhance qualified patient access to safe, regulated cannabis in the State. Your Committees further find that there is an illicit recreational cannabis market flourishing in the State. The danger of such a market is that the products are unregulated, escaping product testing requirements, accountability to qualified patients, and oversight by any state agency. Thus, your Committees believe that overall enhancement of the medical cannabis dispensary program is necessary to strengthen patient access, improve product controls and safety, and refine the administration of the program.

Your Committees heard the testimony from several stakeholders who raised concerns about provisions in this measure that allow inter-island sales between licensed dispensaries that could conflict with federal law. Additionally, your Committees heard the testimony of the Department of Health, which recommended amendments to improve product quality and safety. Therefore, your Committees have amended this measure by:

- (1) Limiting the sales of medical cannabis between licensed dispensaries to only dispensaries on the same island;
- Authorizing the collection and laboratory testing of samples of cannabis and manufactured cannabis as part of production center and dispensary inspections;
- Authorizing the Department of Health to establish manufacturing and product stability standards of manufactured cannabis products;
- (4) Amending section 1 to reflect its amended purpose;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; 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 Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1332, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1332, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5; Ayes with Reservations (Moriwaki). Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7; Ayes with Reservations (Misalucha). Noes, none. Excused, none.

SCRep. 502 (Joint) Health and Commerce and Consumer Protection on S.B. No. 1372

The purpose and intent of this measure is to:

- (1) Create a cultivation facility license that allows cultivators to grow cannabis for sale to licensed dispensaries; and
- (2) Establish requirements for license applications and qualifications for license holders.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Department of Taxation; Department of Health; Department of the Attorney General; Big Island Grown Dispensaries; Green Aloha, Ltd.; Hawai'i Cannabis Industry Association; and Akamai Cannabis Clinic.

Your Committees find that currently, only holders of medical cannabis dispensary licenses may legally cultivate and sell medical cannabis in retail locations. Your Committees further find that allowing residents, farmers, and families to grow cannabis for retail would provide a positive social and economic impact across the State and creates better access to safe, regulated products for qualified patients. This measure creates a cultivation license that allows cultivators to grow cannabis for sale to licensed dispensaries.

Your Committees heard the testimony of several stakeholders, who raised concerns that under the current language of the measure, cultivation licenses would be impossible for anyone to obtain other than large, well-financed corporations. Your Committees also heard the testimony of the Attorney General, which proposed amendments to improve the safety and regulation of cultivation licenses. Therefore, your Committees have amended this measure by:

- (1) Removing the prescribed number of cultivation licenses to be issued and allowing the Department of Health to issue cultivation licenses at its discretion, subject to certain conditions;
- (2) Limiting the number of cannabis plants allowed to be grown at one cultivation facility to one thousand plants;
- (3) Allowing one cultivation license to be issued per tax map key number;
- (4) Lowering the minimum asset requirement for cultivation licensees from \$500,000 to \$250,000;
- (5) Clarifying that cultivation licensees may only sell to licensed medical cannabis dispensaries;
- (6) Establishing requirements for cultivation facility operations, including required cannabis plant tracking and testing;
- (7) Making the cultivation licenses available after December 31, 2023;
- (8) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (9) 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 Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1372, as amended herein, and

recommend that it pass Second Reading in the form attached hereto as S.B. No. 1372, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7; Ayes with Reservations (Misalucha). Noes, none. Excused, none.

SCRep. 503 (Joint) Education and Energy, Economic Development, and Tourism on S.B. No. 516

The purpose and intent of this measure is to:

- (1) Require the State Board for Career and Technical Education to oversee and review annually statewide data collection processes and reporting requirements related to the student attainment of industry-recognized credentials;
- (2) Require certain agencies to collect and report disaggregated data on students' attainment of industry-recognized credentials;
- (3) Require certain agencies to pursue data-sharing agreements with credentialing entities; and
- (4) Require an annual report to the Governor and Legislature.

Your Committees received testimony in support of this measure from the Department of Education, Office of Hawaiian Affairs, Chamber of Commerce Hawaii, HawaiiKidsCAN, Hawaii'i P-20 Partnerships for Education, and four individuals. Your Committees received comments on this measure from the Department of the Attorney General and University of Hawaii'i Systems.

Your Committees find in the current job market, nearly sixty-five percent of available positions require postsecondary credentials. Industry-recognized credentials are important because they teach the specific knowledge and skills that are required for an occupation or industry. Full-time employees with industry credentials earn more than their uncredentialed counterparts, and, in some cases, the salaries of credential holders who do not hold college degrees are similar to the salaries of college graduates.

Your Committees also find that the State has critical shortages of qualified and credentialed workers in certain industries. Given the recent downturn in the State's economy and the rise in unemployment, it is especially important for Hawaii to equip its students for the existing job market. To this end, the Promising Credentials project, a collaborative effort aimed at using Hawaii labor market data and local employer insights to identify high-value industry credentials in the State, was launched. The information obtained will enable local career readiness programs to better tailor their offerings to Hawaii's job market and to deliver more effective services to both students and employers. However, there is a need for the data to be disaggregated by credential and to be consistently collected and reported by state agencies. This measure will ensure that student attainment data is collected for industry-recognized credentials.

Your Committees have amended this measure by:

- Specifying that the data shall include demographic information, which shall include the student's race; provided that native Hawaiian demographic data shall be disaggregated from other Pacific Islanders; and
- (2) Clarifying that all data collection and reporting activity shall be conducted in a manner consistent with applicable federal and state laws governing the privacy and confidentiality of the data.

As affirmed by the records of votes of the members of your Committees on 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. 516, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 516, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 5. Noes, none. Excused, none.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Lee, Riviere).

SCRep. 504 (Joint) Energy, Economic Development, and Tourism and Government Operations on S.B. No. 1341

The purpose and intent of this measure is to:

- (1) Transfer the Hawaii Green Infrastructure Authority from the Department of Business, Economic Development, and Tourism to the Hawaii State Energy Office; and
- (2) Clarify the purpose, duties, and responsibilities of the Hawaii State Energy Office and the Chief Energy Officer.

Your Committees received testimony in opposition to this measure from the Hawaii Green Infrastructure Authority and Hawaii State Energy Office.

Your Committees find that transferring the Hawaii Green Infrastructure Authority from the Department of Business, Economic Development, and Tourism to the Hawaii State Energy Office and clarifying the duties and responsibilities will help to stimulate the State's economic development and promote energy efficiency.

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 S.B. No. 1341 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3; Ayes with Reservations (Misalucha). Noes, none. Excused, 2 (Lee, Riviere).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 505 Higher Education on S.B. No. 589

The purpose and intent of this measure is to recognize and establish the University of Hawaii Cancer Center (UHCC) as an organized research unit within the administrative and management purview of the University of Hawaii John A. Burns School of Medicine (JABSOM).

Your Committee received testimony in support of this measure from the Hawai'i Primary Care Association. Your Committee received testimony in opposition to this measure from the University of Hawai'i System, Alana Dung Research Foundation, Hawaii Society of Clinical Oncology, and twenty-three individuals. Your Committee received comments on this measure from the American Cancer Society Cancer Action Network.

Your Committee finds that the genesis of this measure is the University's own efforts and presentations since 2014, including the report by University of Hawaii at Manoa, UHCC's proposed business plans, and the report submitted by consultants commissioned by the University, all proposing or recommending the consolidation of UHCC and JABSOM to enhance the efficiency and effectiveness of both units. Specifically, in December 2014, the new Interim Director of UHCC was charged to develop a new business plan for UHCC. In March 2015, the UHCC Interim Director proposed the framework for the Kakaako Campus Operations Business Plan, which introduced a cost reduction measure of integrating the Kakaako Health Science Campus operations to eliminate operational redundancies resulting from the separate operation of JABSOM and UHCC. In April 2015, Chancellor Robert Bley-Vroman presented a University of Hawaii at Manoa Report that summarized the University's internal work on a business plan proposal for UHCC and JABSOM at the Kakaako Campus. The report included plans to have UHCC administratively incorporated into JABSOM to improve the efficiency and effectiveness of both units. In releasing the report, Chancellor Bley-Vroman announced his intent to convene a group of external reviewers to assist the University in the identification of additional opportunities and development of procedures to create a thriving Kakaako Campus that serve the people of Hawaii. Your Committee notes that this never happened. In the Fall of 2015, the University commissioned consultants who, upon review, also recommended the consolidation of JABSOM and UHCC. In February 2016, an updated proposed UHCC Business Plan was proposed to the University of Hawaii Board of Regents. The proposal included a bridge business plan for the following five years to be implemented by the Director of UHCC, which included the consolidation of JABSOM and UHCC's administrative services. Your Committee finds that there is a need now more than ever to implement these plans and recommendations. This measure will ensure that the management of public resources provided to JABSOM and UHCC will be integrated, coordinated, and focused on common priorities to avoid unnecessary duplication of administrative expenses or conflicting priorities.

Your Committee acknowledges the concern raised in the testimonies that the integration of UHCC into JABSOM may jeopardize UHCC's NCI designation, which allows UHCC to apply for grants and recruit top scientists and oncologists. Your Committee finds that several outstanding medical schools at other universities integrate their cancer research programs closely with their medical schools. For example, the Washington University School of Medicine in St. Louis is the parent institution to the Siteman Cancer Center that is designated as a comprehensive cancer center that holds an "exceptional" rating from the NCI. The MD Anderson Cancer Center in Houston, Texas is also a comprehensive cancer center that operates in close affiliation with the McGovern Medical School as part of the University of Texas Health Science Center at Houston. Your Committee also acknowledges the testimony from the University of Hawaii System stating that that UHCC's existing structure of reporting to the Provost of the University of Hawaii at Manoa and working closely with the President of the University is an essential component of UHCC's NCI-designation.

Accordingly, your Committee has amended this measure by:

- (1) Amending section 1 to reflect additional findings;
- (2) Requiring that the Director of UHCC be appointed by the University's Board of Regents upon recommendation from the Provost of the University of Hawaii at Manoa instead of the Dean of JABSOM;
- (3) Requiring that UHCC be administratively affiliated with JABSOM instead of being integrated into JABSOM;
- (4) Requiring that the Director of UHCC report to the Provost of the University of Hawaii at Manoa and the Dean of JABSOM and coordinate with the President of the University;
- (5) Requiring that funds expended from or originating from the Tuition and Fees Special Fund for JABSOM or UHCC to be used for educational purposes only;
- (6) Requiring that funds expended from or originating from the Research and Training Revolving Fund for JABSOM or UHCC to be used for research and research-related purposes only; 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 Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 589, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 589, 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. 506 Transportation on S.B. No. 287

The purpose and intent of this measure is to require the Department of Transportation and the counties to implement a Vision Zero program that aims to eliminate all traffic fatalities and serious injuries by the year 2030.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Hawai'i Public Health Institute, Hawaii Bicycling League, and two individuals.

Your Committee finds that traffic fatalities and serious injuries continue to be an area of concern for the Legislature. Sweden adopted a national Vision Zero policy in 1997 and by 2013 had achieved the lowest number of road accidents on record.

Your Committee further finds that existing statute directs the Department of Transportation and county transportation departments to adopt a Vision Zero policy, but no implementation date is specified. Therefore, to ensure a Vision Zero program is implemented in a timely manner, your Committee finds that this measure should amend existing statute to specify an implementation date and Vision Zero program goal date, and include reporting requirements to increase the accountability of the state and county transportation departments.

Accordingly, your Committee has amended this measure by:

- (1) Amending section 286-7.5, relating to Vision Zero, rather than creating a new statutory section;
- (2) Establishing the goal of the Vision Zero program to eliminate all traffic fatalities and serious injuries in Hawaii by 2045; 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 S.B. No. 287, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 287, 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. 507 Transportation on S.B. No. 756

The purpose and intent of this measure is to:

- (1) Authorize each county to adopt ordinances to make reasonable efforts to maintain electric vehicle (EV) charging stations in working order;
- (2) Require that any new EV charging station be at least a level 2 charging station; and
- (3) Provide that parking enforcement officers may enter private property to enforce EV parking stall violations.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, one member of the Maui County Council, Hawaiian Electric Company, Ulupono Initiative, Hawaii Electric Vehicle Association, Kauai Electric Vehicle Association, Tesla, Blue Planet Foundation, and five individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii.

Your Committee finds that the global automobile market is transitioning to EVs. One obstacle to this transition is the lack of infrastructure needed to charge the influx of EVs. As more EVs and hybrid vehicles are brought into the State, it is of utmost importance to maintain a robust network of EV charging stations that are in good working order and repair. This measure will allow counties to adopt ordinances to effectuate that end.

Your Committee has amended this measure by:

- (1) Requiring owners of parking structures and lots with one hundred or more parking stalls to provide at least five parking stalls exclusively equipped with EV charging systems by 2025;
- Requiring owners of parking structures and lots with one hundred or more parking stalls to provide at least ten parking stalls
 exclusively equipped with EV charging systems by 2030;
- (3) Providing that owners of parking structures or lots may charge a reasonable fee for the use of EV charging stations; 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 is in accord with the intent and purpose of S.B. No. 756, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 756, 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. 508 (Joint) Transportation and Energy, Economic Development, and Tourism on S.B. No. 920

The purpose and intent of this measure is to transition one hundred percent of the State's light-duty motor vehicles to zero emissions vehicles by December 31, 2030.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, Department of Accounting and General Services, Department of Transportation, 350Hawaii, Mission Zero Hawaii, KauaiEV, Hawaii EV Association, Ulupono Initiative, Hawaiian Electric Company, Blue Planet Foundation, Alliance for Automotive Innovation, and four individuals. Your Committees received comments on this measure from the State Procurement Office.

Your Committees find that the use of fossil fuels is the State's primary contributor to greenhouse gas emissions. These emissions cause climate change which poses a threat to the State's economic well-being, public health, infrastructure, and the environment. This measure will set a goal for the State to lead by example and transition one hundred percent of its light-duty motor vehicles to zero emission vehicles by December 31, 2030.

Your Committees note that in addition to the transition to a one hundred percent zero emissions state fleet, your Committees hope that this measure will allow for a streamlining of any redundancies in the state vehicle fleet.

Your Committees have amended this measure by:

- (1) Adding the definition of "plug-in hybrid electric vehicle"; 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 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. 920, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 920, 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, Shimabukuro).

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

SCRep. 509 Transportation on S.B. No. 1403

The purpose and intent of this measure is to require commercial helicopter owners and operators to retain and make available records containing basic helicopter flight information.

Your Committee received testimony in support of this measure from the Office of United States Congressman Ed Case and thirty-eight individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Transportation, Department of Land and Natural Resources, Blue Hawaiian Helicopters, and two individuals.

Your Committee finds that there are multiple commercial helicopter flights over and around the State every day. These helicopter flights create noise pollution and the possibility of crashes. There have been at least eighteen civilian helicopter crashes in the State since 2015. This measure will require commercial helicopter owners and operators to record basic flight information so that stakeholders and community members can effectively work towards addressing the concerns of local residents and interested parties.

Your Committee has amended this measure by:

- (1) Requiring the commercial flight reports to be submitted monthly to the Department of Transportation; 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. 1403, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1403, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 510 Transportation on S.B. No. 155

The purpose and intent of this measure is to:

- (1) Adopt uniform standards for peer-to-peer car sharing; and
- (2) Establish the peer-to-peer car sharing surcharge tax.

Your Committee received testimony in support of this measure from the Department of Transportation, Internet Association, Technet California and the Southwest, Enterprise Holdings, and Turo Inc. 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 Taxation, Department of Commerce and Consumer Affairs Insurance Division, Department of Commerce and Consumer Affairs Office of Consumer Protection, Tax Foundation of Hawaii, and Grassroots Institute of Hawaii.

Your Committee finds that peer-to-peer car sharing is a vital, yet nascent, industry in the State. Due to its growing popularity, residents who participate in peer-to-peer car sharing services need to have uniform protections and safety standards. Your Committee further finds that rental motor vehicle surcharge revenues deposited into the State Highway Fund amounted to \$58,000,000 in 2019, which was twenty percent of the total revenues. As such, the rental vehicle surcharge tax is a major source of revenue for the State Highway Fund and is vital for the continued operation, maintenance, and construction of the state highway system. This measure will provide uniform standards for peer-to-peer car sharing services and will also help to preserve revenues deposited into the State Highway Fund.

Your Committee also finds that further discussion of automobile manufacturer recall requirements may be warranted by the appropriate committee as this measure proceeds.

Your Committee has amended this measure by:

- (1) Requiring peer-to-peer car-sharing programs to provide primary insurance coverage for each shared vehicle at similar levels of insurance as required for a transportation network company;
- (2) Removing language relating to exemptions for vicarious liability;
- (3) Inserting an effective date of January 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 155, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 155, 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. 511 Transportation on S.B. No. 251

The purpose and intent of this measure is to make permanent the motor vehicle insurance requirements for transportation network companies and drivers by repealing the sunset provision of Act 236, Session Laws of Hawaii 2016 (Act 236).

Your Committee received testimony in support of this measure from Hawaii Insurers Council, American Property Casualty Insurance Association, Hawaii Transportation Association, and Uber Technologies.

Your Committee finds that in 2016 the Legislature passed Act 236 that established insurance requirements for transportation network companies to protect their drivers and passengers. This was necessary as most personal insurance policies carried by drivers do not provide coverage for this type of commercial activity. This measure will remove the sunset provision of Act 236 and make the insurance requirements for transportation network companies and drivers permanent.

Your Committee further finds that there is no statewide regulation of transportation network companies. Such regulation is necessary to ensure the safety, reliability, and cost-effectiveness of rides provided by transportation network companies and to ensure access to transportation options for residents and visitors.

Accordingly, your Committee has amended this measure by:

- (1) Adding the contents of S.B. No. 770, Regular Session of 2021, a substantially similar measure which establishes requirements and permitting procedures for transportation network companies operating in the State, with the exception of certain provisions that may have conflicted with the federal Employee Retirement Income Security Act;
- (2) Inserting a new 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 251, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 251, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

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

SCRep. 512 (Joint) Human Services and Health on S.B. No. 199

The purpose and intent of this measure is to better serve Hawaii's mentally ill population by mandating appointment of a guardian ad litem to represent the best interest of a mentally ill individual in assistant community treatment (ACT).

Your Committees received testimony in support of this measure from Bay Clinic; Huli Au Ola, Maui County Area Health Education Center; Hawaii Substance Abuse Coalition; The Institute for Human Services, Inc.; St. Elizabeth's Church; Ohana Health Plan; Habitat for Humanity Hawaii Island, Inc.; St. Michael the Archangel Parish; Community Alliance Partners; BRE Hotels & Resorts; and twelve individuals. Your Committees received comments on this measure from the Judiciary, Department of the Attorney General, Office of the Public Defender, Department of Health, and Hawaii Disability Rights Center.

Your Committees find that mentally ill individuals are not adequately represented at ACT or MH-1 proceedings. Your Committees also find that by requiring the appointment of a guardian ad litem for subjects of ACT and MH-1 proceedings, and by eliminating the requirement that the subject of a petition be present at the hearing (provided that the subject has been served with the petition and the subject's guardian ad litem is present), these individuals will be better represented during these proceedings.

Your Committees have amended this measure by:

- Adding applications for emergency examination and hospitalization (MH-1) to be included in the proceedings covered by this
 measure requiring the appointment of a guardian ad litem;
- (2) Inserting an effective date of May 1, 2029, to encourage further discussion;
- (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 Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 199, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 199, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 5. Noes, none. Excused, none. Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 513 Human Services on S.B. No. 913

The purpose and intent of this measure is to promote electronics stewardship and reduce electronic waste in the State, by:

- (1) Requiring all persons who receive state financial assistance to donate unnecessary, but functioning, electronic devices, hardware, and televisions to nonprofit organizations that will refurbish and distribute them to eligible persons in the State;
- Setting reporting requirements for donating entities, nonprofit refurbishers, and the department of accounting and general services; and
- (3) Establishing penalties for violations.

Your Committee received testimony in support of this measure from Hawaiian Hope Org, Zero Waste O'ahu, and five individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Business Regulation Division; Department of Education, Department of Accounting and General Services, and one individual.

Your Committee finds that use of electronic devices has grown substantially over the past two decades, and according to the United States Environmental Protection Agency, Americans have generated approximately three million tons of waste in consumer electronics goods per year during the last decade. Your Committee also finds that donating used, but still functioning electronic devices for reuse extends the lives of valuable products and keeps them out of the waste stream for a longer duration of time. Recycling of electronic devices prevents valuable materials from going into the waste stream, which is preferable to any waste management option. Accordingly, this measure establishes a sustainable electronics program that provides a means for used electronic devices to be restored, so recipients such as schools, nonprofit organizations, and lower-income families may obtain equipment that they otherwise could not afford

Your Committee has amended this measure by:

- (1) Inserting blank amounts for all dates, penalties, and violations;
- Limiting the sustainable electronics program to entities in counties with a population greater than seven hundred and fifty thousand;
- (3) Allowing covered entities to remove all data storage devices prior to transferring the covered device to any covered refurbisher:
- (4) Limiting all penalties to administrative penalties;
- (5) Removing a judicial remedy under this program;
- (6) Limiting the price paid by a covered refurbisher for any refurbished device to no more than \$50;
- (7) Exempting enterprise hardware from the \$50 cap;
- (8) Requiring the Department of Accounting and General Services to notify all covered entities of their new responsibilities;
- (9) Requiring any covered entity to remove all material from the covered device that may be deemed inappropriate for individuals under the age of eighteen, in a way that does not compromise the integrity of the device or render the device unusable;
- (10) Inserting an effective date of May 1, 2029, to encourage further discussion; 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 913, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 913, 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. 514 Judiciary on S.B. No. 1039

The purpose and intent of this measure is to make appropriations to satisfy 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 State Public Charter School Commission.

Your Committee finds that, based on the testimony submitted by the Department of the Attorney General, this measure requests a total of \$741,577.62 in appropriations from the general fund, to be paid from the respective department's fiscal year 2020-2021 budget, to satisfy twenty-one various claims against the State and a total of \$995,000 in an appropriation from the state highway fund to satisfy one claim against the State. The grand total for the twenty-two claims settled in this measure as received by your Committee is \$1,736,577.62. Timely passage of this measure will minimize the State's obligation to pay interest on those amounts.

Your Committee notes that it considered the question of whether, as an administrative matter, claims against departments should be paid out of department funds or the general fund of the State; specifically, whether the Charter School Commission can pay the balance of claims against the Commission, or whether it is constrained by limitations on how it can expend monies in its budget. Your Committee further notes that it considered the question of the appropriate fiscal year for which appropriations for claims against the State should be made. Your Committee finds that these considerations may merit further consideration as this measure proceeds in the legislative process.

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. 1039 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. 515 Labor, Culture and the Arts on S.B. No. 670

The purpose and intent of this measure is to set specific requirements that must be satisfied for a minor to work in theatrical employment. Specifically, this measure:

- (1) Requires the employer of the minor to procure and keep on file a valid certificate of employment;
- (2) Requires the minor to be accompanied by two persons a parent or guardian and a studio teacher or nurse;
- (3) Requires a nurse certified in basic life support to accompany, supervise, and advocate on behalf of the minor on set to ensure the employer's compliance with applicable law when the minor is under the age of one year;
- (4) Requires for a minor who has attained the age of five years but not eighteen years is on set and the minor is required to attend school that:
 - (A) The work be performed during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school; and
 - (B) A studio teacher accompany and supervise the minor to ensure the employer's compliance with applicable law; and
- (5) Prohibits a studio teacher from supervising more than ten minors when one or more minors are on set under a work hour variance granted by the Director of Labor and Industrial Relations.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; Hawaii State Teachers Association; Hawaii Iron Workers' Stabilization Fund; I.A.T.S.E. Local 665; Motion Picture Association, Inc.; Pride at Work Hawai'i; Screen Actors Guild – American Federation of Television and Radio Artists; and four individuals.

Your Committee finds that existing law does not require a registered nurse, advanced practice registered nurse, or studio teacher to be present on set when minors are engaged in theatrical employment. Your Committee recognizes that a majority of the theatrical employment certificates issued by Department of Labor and Industrial Relations are for television or motion picture productions which can last for several hours a day or several months out of the year. This measure recognizes the importance of ensuring safe working conditions for children, as well as ensuring that their educational opportunities are protected while working on these types of productions.

Your Committee, based on the concerns raised in the testimonies submitted, finds that certain amendments to this measure are required to clarify the specific ages of minors subject to the theatrical employment provisions and circumstances under which they apply.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the subsection on theatrical employment provided in this measure applies to the employment of minors under the age of sixteen;
- (2) Eliminating the requirement that all minors be accompanied by two persons, a parent or guardian and a studio teacher or nurse, and instead requiring that the minor be accompanied by a parent, guardian, or a responsible adult designated by the parent or guardian to supervise and advocate on behalf of the minor;
- (3) Requiring that the nurse who is required to accompany a minor who is under the age of one year be hired by the employer;
- (4) Clarifying that a studio teacher is required to accompany, teach, and attend to the health, safety, and well-being of a minor who has attained the age of five years when the minor is performing work during periods when the minor is legally required to attend school but was excused by school authorities from attending;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussions; 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 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. 670, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 670, 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 (Fevella). Noes, none. Excused, none.

SCRep. 516 Labor, Culture and the Arts on S.B. No. 912

The purpose and intent of this measure is to:

- 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 to which the beneficiaries would otherwise be entitled 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 and seven individuals. Your Committee received comments on this measure from the ERS.

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. Your Committee believes that imposing a civil penalty against a public employee who commits a felony by misusing the individual's position of authority in government is justified. Your Committee also believes that beneficiaries who were convicted of a felony based on the same set of circumstances as the member, former member, or retirant who was subject to forfeiture of their retirement benefits, should not be allowed to receive ERS benefits.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that upon the death of the convicted ERS member, former member, or retirant, the designated beneficiary shall receive the reduced benefits to which the member, former member, or retirant would be entitled;
- (2) Prohibiting the receipt of ERS benefits by designated beneficiaries who have been convicted of a felony based on the same set of circumstances as the member, former member, or retirant, who was ordered to forfeit their ERS benefits under this measure;
- (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 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. 912, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 912, 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. 517 (Joint) Housing and Government Operations on S.B. No. 725

The purpose and intent of this measure is to add the definition of "housing" to include all potential properties that could be developed by the Hawaii Public Housing Authority.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that concentrating public housing projects solely for low-income families in dense urban areas is not an effective use of the scarce resources available to the Hawaii Public Housing Authority. Recently, the U.S. Department of Housing and Urban Development (HUD) has led this new paradigm as they now strive to create financially viable and socially stable mixed-income housing projects. This measure will allow the Hawaii Public Housing Authority to follow HUD's lead and create vibrant communities for residents.

Your Committees note that, should this measure move forward, the Hawaii Public Housing Authority's statutory mission to provide affordable housing will not change as a result of this measure. Your Committees also note that ninety-nine years is the minimum length of time necessary to guarantee that a buyer will never have to move before they die, that ninety-nine years is the lease term for Department of Hawaiian Home Lands residences, and that the Office of Hawaiian Affairs cannot rule out developing market-rate housing for non-Hawaiians on their parcels at Kakaako Makai. Finally, your Committees recognize that "home ownership on as widespread a basis as possible" is one of the statutory purposes of the public land trust under the Admission Act.

Your Committees respectfully request that future committees that have this measure consider:

- (1) Adding language to provide a mechanism to recognize and protect native Hawaiian claims to ceded lands which may become subject to the broad leasing authority of the Hawaii Public Housing Authority; and
- (2) Adding language to clarify the obligations of the Hawaii Public Housing Authority under the public land trust and the Hawaiian Homes Commission Act.

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. 725 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 518 (Joint) Housing and Education on S.B. No. 804

The purpose and intent of this measure is to:

- Authorize the Hawaii Public Housing Authority (HPHA) and Hawaii Housing Finance and Development Corporation to
 provide affordable rental housing projects for teachers employed by the Department of Education (DOE) and public charter
 schools;
- (2) Permit a project owner to lease teacher housing to eligible non-teachers if occupancy falls below ninety-five percent; and
- (3) Appropriate funds to HPHA and the Dwelling Unit Revolving Fund.

Your Committees received testimony in support of this measure from the Hawaii State Teachers Association, Hawaii Public Housing Authority, Hawaii Housing Finance and Development Corporation, Department of Education, and one individual. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Hawaii Government Employees Association.

Your Committees find that there is a severe shortage of qualified teachers in the State. Each year the DOE has to fill approximately one thousand two hundred teaching positions. The difficulty in retaining teachers is inexorably tied to the ongoing housing crisis. The lack of affordable housing in the State has driven many to leave the State for cheaper locations on the mainland. The DOE employment report for the 2017-2018 school year reported that fifty-two percent of teachers who resigned cited "leaving Hawaii" as their primary reason for resigning. Providing financial incentives such as affordable housing for teachers is one way the DOE can better recruit and retain qualified teachers.

Your Committees note concern that the measure is silent with respect to a timeline for filling these units with non-teachers and, should this measure go forward, encourages discussion in the Committee on Ways and Means to address this point.

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. 804 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.

Housing: Ayes, 3. Noes, none. Excused, 2 (Moriwaki, Rhoads).

Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 519 Housing on S.B. No. 1337

The purpose and intent of this measure is to allow counties to adopt an ordinance permitting individual blocks to increase the allowable housing density for their neighborhood.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from Grassroot Institute of Hawaii.

Your Committee finds that there is a severe shortage of affordable housing in Hawaii. A recent study by the Department of Business, Economic Development, and Tourism found that Hawaii is not producing enough new housing to meet the anticipated demand through the year 2025. This measure will allow counties to oversee and local neighborhoods to make block-level decisions regarding housing density. It will empower communities to help solve the housing crisis without requiring intervention at the state level.

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. 1337 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; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 520 Housing on S.B. No. 33

The purpose and intent of this measure is to:

- (1) Require each county to prepare a housing supply plan to meet the State's housing demands;
- (2) Require the county housing supply plans to be submitted to the Legislature; and
- (3) Appropriate funds for the counties to conduct the required studies to prepare the housing supply plans.

Your Committee received testimony in support of this measure from the Maui Chamber of Commerce, Faith Action for Community Equity, and two individuals.

Your Committee finds that there is a severe shortage of affordable housing in Hawaii that exists across all counties. A recent study by the Department of Business, Economic Development, and Tourism found that Hawaii is not producing enough new housing to meet the anticipated demand through the year 2025. This measure will require all counties to be proactive in planning for new housing in order to meet this anticipated demand.

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. 33 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; Ayes with Reservations (Moriwaki, Fevella). Noes, none. Excused, none.

SCRep. 521 Housing on S.B. No. 1276

The purpose and intent of this measure is to require each county to adopt ordinances authorizing detached dwelling units that meet certain minimum standards.

Your Committee received comments on this measure from Grassroots Institute of Hawaii and HI Good Neighbor.

Your Committee finds that the State has a housing crisis. A recent study by the Department of Business, Economic Development, and Tourism found that the State will need more than fifty thousand new homes by 2025. Consequently, the State needs to be proactive in addressing the housing crisis and search for new and creative ways to provide more housing for residents. This measure will allow new types of homes, such as tiny homes, to be built as well as streamline the process for required approvals.

Your Committee has amended this measure by adding language clarifying that a county shall not deny issuance of a building permit where a dwelling unit meets the strict criteria outlined in this measure.

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. 1276, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1276, 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. 522 Housing on S.B. No. 1061

The purpose and intent of this measure is to repeal the Down Payment Loan Assistance Program and the Homebuyers' Club Program.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation and Department of Business, Economic Development, and Tourism.

Your Committee finds that the Down Payment Loan Assistance Program, established in 1995, and the Homebuyers' Club Program, established in 1993, are old, obsolete, and not cost-effective. Moreover, these programs are not necessary since there are other programs that accomplish the same goals and are being successfully operated by non-profit entities and financial institutions. This measure repeals both 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. 1061 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. 523 Housing on S.B. No. 4

The purpose and intent of this measure is to:

- (1) Prohibit any law, ordinance, or rule from imposing an inclusionary zoning requirement on housing offered exclusively for sale in perpetuity to certain buyers; and
- (2) Require each county to submit a report on inclusionary zoning requirements to the Legislature every year until the Regular Session of 2026

Your Committee received testimony in support of this measure from the Maui Chamber of Commerce, Faith Action Housing NOW!, and two individuals.

Your Committee finds that inclusionary zoning, which requires developers to sell housing units at below-market rates to low-income households, acts as a tax on developers because it reduces their revenues. A 2010 study by the University of Hawaii analyzed inclusionary zoning policies around the United States and found that inclusionary zoning policies overwhelmingly resulted in both increased market price of housing and decreased housing units available. This measure will help Hawaii families by exempting them from inclusionary zoning policies provided that the housing buyer is a Hawaii resident who will occupy the unit and does not own any other real property.

Your Committee has amended this measure by:

- (1) Removing the repeal date; 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 Housing 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 Second Reading in the form attached hereto as S.B. No. 4, 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 (Moriwaki). Noes, none. Excused, none.

SCRep. 524 Housing on S.B. No. 779

The purpose and intent of this measure is to:

- (1) Require each county to authorize construction for a specified number of new housing units; and
- (2) Reduce the amount of transient accommodation tax revenue the counties receive if they fail to meet the authorized housing requirements.

Your Committee received testimony in support of this measure from the Building Industry Association of Hawaii. Your Committee received comments on this measure from the Maui Chamber of Commerce.

Your Committee finds that Hawaii has a housing crisis. A recent study by the Department of Business, Economic Development, and Tourism found that the State will require more than fifty thousand additional new homes by the year 2025. And while this forecast projects an acute housing shortage, there has been a lack of measurable progress at the county level to enact policies that will stimulate housing production to meet project demand. This measure will require each county to annually authorize the construction of ten percent of the forecasted demand by 2025, thus creating more housing for the residents of the State.

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. 779 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; Ayes with Reservations (Moriwaki). Noes, none. Excused, none.

SCRep. 525 Housing on S.B. No. 840

The purpose and intent of this measure is to require developers of housing projects that are exempt from certain laws to enter into profit-sharing agreements with the tenants of those properties.

Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that the State is experiencing a housing crisis. A recent study by the Department of Business, Economic Development, and Tourism found that Hawaii will need more than fifty thousand new homes by the year 2025. High demand and low supply of housing has resulted in housing prices that are simply too expensive for most local families. Your Committee believes that requiring developers who use state incentives to share a portion of their profits with affordable housing tenants will enable local families to save for a home of their own.

Your Committee has amended this measure by limiting the provisions of this measure to apply prospectively and only to projects that are approved after the effective date.

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. 840, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 840, 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. 526 Housing on S.B. No. 39

The purpose and intent of this measure is to remove the limit on the types of eligible costs for exemption from general excise tax for the development of affordable rental housing.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Kohala Coast Resort Association, Hawaii Regional Council of Carpenters, Schatz Collaborative, and one individual. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that there is a severe shortage of affordable housing in Hawaii. A recent study by the Department of Business, Economic Development, and Tourism found that Hawaii is not producing enough new housing to meet the anticipated demand through the year 2025. By removing the limits on general excise tax exemptions with respect to qualifying costs and restrictions on the receipt of certain governmental funding, this measure will encourage developers and construction companies to build more affordable housing across the State. Your Committee also notes the testimony of the Hawaii Regional Council of Carpenters as well as Schatz Collaborative that language of section 104-2(i)(3), Hawaii Revised Statutes, might prevent developers from taking advantage of county-level incentives like the City and County of Honolulu's Ordinance No. 18-01, which provides real property tax exemptions and waivers pertaining to certain affordable housing projects. By removing that section from the Hawaii Revised Statutes, developers may be able to make affordable housing projects more financially feasible.

Accordingly, your Committee has amended this measure by repealing section 104-2(i)(3), Hawaii Revised Statutes.

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. 39, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 39, 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. 527 Housing on S.B. No. 871

The purpose and intent of this measure is to:

- (1) Lower the conveyance tax rates for properties with a value under \$2,000,000;
- (2) Increase the conveyance tax rate for investment property; and
- (3) Require an unspecified amout of the conveyance tax to be deposited into the Housing Finance Revolving Fund.

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association of REALTORS, NAIOP, Rental By Owner Awareness Association, and one individual. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation, Department of Budget and Finance, Department of Taxation, Tax Foundation of Hawaii, and Grassroots Institute of Hawaii.

Your Committee finds that housing costs in Hawaii are among the highest in the nation. First time home buyers find it especially difficult to afford even modest accommodations while wealthy investors from around the world continue to purchase additional homes in the State. This measure will help residents afford to buy a home by lowering the conveyance tax rates on properties with a value of less than \$2,000,000 while increasing the conveyance tax rates for investment properties.

Your Committee has amended this measure by:

- (1) Exempting the transfer of real property for affordable housing development from the increased conveyance tax rate;
- (2) Exempting rental housing used by local residents who occupy the unit as their primary residence from the increase conveyance tax rate:
- (3) Specifying that only conveyance tax revenues above the current general fund deposits can be deposited into the Housing Finance Revolving Fund; 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. 871, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 871, 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. 528 Housing on S.B. No. 1278

The purpose and intent of this measure is to allow the counties to adopt rules for the construction of fourplex dwelling units on lots where single-family dwelling units are permitted in any county with a population of twenty-five thousand or more or within an urban area.

Your Committee received testimony in opposition to this measure from HI Good Neighbor. Your Committee received comments on this measure from Grassroots Institute of Hawaii.

Your Committee finds that the State has a housing crisis. A recent study by the Department of Business, Economic Development, and Tourism found that Hawaii will need more than fifty thousand new homes by 2025. The State cannot simply wait for the free market to develop new home projects. Instead, the State must be proactive and look for creative ways to provide housing for its people. This measure will give counties the opportunity to permit the construction of more houses.

Your Committee has amended this measure by removing a provision that would have prevented the State or the counties from prohibiting any construction of fourplexes.

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. 1278, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1278, 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 (Rhoads, Fevella). Noes, none. Excused, none.

SCRep. 529 Housing on S.B. No. 302

The purpose and intent of this measure is to:

- (1) Adjust the eligibility requirements under the income tax credit for low-income household renters; and
- (2) Increase the amount of the tax credit by creating tax brackets that will phase out the credit as the taxpayer's income rises.

Your Committee received testimony in support of this measure from the League of Women Voters, Americans for Democratic Action, IMUA Alliance, and Hawaii 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 the State has made tax credits available to assist eligible renters since 1977 and that this tax credit is the third most commonly used credit among residents. However, the income eligibility threshold has not been adjusted since 1989 and the amount of the credit was last adjusted in 1981. Meanwhile, the cost of housing has increased by approximately three hundred ninety percent during that same time. This measure will adjust the eligibility requirements under the income tax credit for low-income household renters and increase the amount of the tax credit.

Your Committee has amended this measure by:

- Clarifying that the federal definition of "adjusted gross income" applies to the calculation of the low-income household renters credit;
- (2) Changing the inflation adjustments to occur every 3 years instead of annually; 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. 302, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 302, 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. 530 Housing on S.B. No. 1280

The purpose and intent of this measure is to authorize the issuance of general obligation bonds for construction of phase I of a senior living affordable housing project by the Hawaii Public Housing Authority.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority, Hawai'i Health & Harm Reduction Center, AlohaCare, Partners in Care, and Catholic Charities Hawaii. Your Committee received comments on this measure from the Department of Budget and Finance and Hawaii Housing Finance and Development Corporation.

Your Committee finds that the State has a housing crisis. The high cost of housing in particular affects senior citizens who often live on fixed incomes. This is particularly worrisome as the age group of those sixty-five years and older is growing at an annual rate of 3.6 percent while the total annual population growth for the entire State is just 0.5 percent. The State needs to take action to help elderly citizens with affordable housing. This measure will provide the funds necessary for an affordable senior living housing project.

Your Committee has amended this measure by:

- (1) Appropriating general obligation bond funds to the Rental Housing Revolving Fund for fiscal year 2022 only;
- (2) Inserting required language for the lapse of general obligation bonds; 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. 1280, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1280, 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. 531 (Joint) Energy, Economic Development, and Tourism and Agriculture and Environment on S.B. No. 263

The purpose and intent of this measure is to make an appropriation for an unspecified amount of funds for economic development.

Your Committees did not received testimony on this measure.

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:

- Transferring oversight of the Made in Hawaii program as it to relates non-agricultural products to the Department of Business, Economic Development, and Tourism; and
- (2) Appropriating an unspecified amount of funds.

Your Committees received testimony in support of the proposed S.D. 1 from one individual. Your Committees received comments on the proposed S.D. 1 from the Department of Business, Economic Development, and Tourism; Department of Agriculture; and Chamber of Commerce Hawaii.

Your Committees find that the Made in Hawaii program is an integral part of the State's economic development strategy and a valuable asset established to protect the integrity and value of authentic Hawaii-branded products.

Your Committees further find that it is important to distinguish between products manufactured in Hawaii from agricultural products made or grown in Hawaii. In doing so, your Committees believe that the Department of Business, Economic Development, and Tourism is well-suited to administer and oversee the Made in Hawaii program based on its resources and means to promote these products in Hawaii and elsewhere allowing small businesses to expand, create job growth, and infuse the State's economy with external capital.

Your Committees also find that transferring the ownership of the Made in Hawaii with Aloha trademark to the Hawaii Technology Development Corporation, which is attached to the Department of Business, Economic Development, and Tourism, will help innovate and diversify Hawaii's economy.

Your Committees further find that it is important to provide oversight by the Department of Agriculture of the Grown in Hawaii program for agricultural products and those products manufactured with Hawaii grown inputs and percentages to prevent misleading labeling.

Accordingly, your Committees have amended this measure by:

- (1) Transferring ownership of the Made in Hawaii with Aloha trademark to the Hawaii Technology Development Corporation;
- Establishing oversight of the Grown in Hawaii program to the Department of Agriculture as it relates to agricultural products;
- (3) Appropriating \$150,000 for the administration of the Made in Hawaii program.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 263, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 263, 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 (Lee, Riviere). Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 532 Health on S.B. No. 827

The purpose and intent of this measure is to:

- (1) Increase the categories of women required to be covered for mammogram screenings;
- Require the existing health insurance mandate for coverage of low-dose mammography to include digital mammography and breast tomosynthesis;
- (3) Define "digital breast tomosynthesis"; and
- (4) Require healthcare providers to be reimbursed at rates accurately reflecting the resource costs specific to each service, including any increased resource cost after January 1, 2021.

Your Committee received testimony in support of this measure from Hawaii Medical Association, Hawaii Radiological Society, Hawaii Society of Clinical Oncology, Hawaii Primary Care Association, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women Lawyers, Hawaii Pacific Health, Pacific Radiology Group, and eight individuals. 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 Health, Department of Commerce and Consumer Affairs, and Kaiser Permanente Hawaii.

Your Committee finds that the data is clear: annual mammographic screenings significantly reduce breast cancer deaths and morbidity and that effective screening programs are in the best interest of Hawaii's people. Moreover, your Committee finds that increasing mammographic screenings would be particularly beneficial in Hawaii because research shows that women of Asian ancestry in Hawaii are the ethnic group most likely to develop breast cancer before age fifty. Women in Hawaii between the ages of forty and forty-nine have a higher incidence of breast cancer compared to the U.S. national average. Additionally, native Hawaiian women have the greatest breast cancer incidence and mortality in Hawaii. Nationally, half of all fatal cancers are diagnosed in women before age fifty in the general population. This measure would improve the health and wellness of women in the State by increasing the categories of women required to be covered for mammogram screenings.

Your Committee recognizes the testimony of Kaiser Permanente Hawaii, which offered an amendment to clarify the measure. Your Committee heard the testimony of the Insurance Commissioner of the Department of Commerce and Consumer Affairs, who testified that because the measure does not include chapter 432D, Hawaii Revised Statutes, entities, i.e., health maintenance organizations, it will not apply to the Kaiser Foundation Health Plan. Your Committee finds, however, that the measure amends section 431:10A-116, Hawaii Revised Statutes. This section is included among those sections listed in section 432D-23, Hawaii Revised Statutes, which are benefits that must be included in each policy, contract, plan, or agreement issued in the State by health maintenance organizations. As such, through the amendments made to section 431:10A-116, this measure would apply to the Kaiser Foundation Health Plan.

Your Committee has amended this measure by:

- (1) Replacing the phrase "annual baseline mammogram" with "baseline mammogram";
- (2) Inserting an effective date of July 1, 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 827, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 827, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 533 (Joint/Majority) Health and Judiciary on S.B. No. 663

The purpose and intent of this measure is to enact an interstate compact to award prizes for the curing of diseases.

Your Committees received testimony in support of this measure from the Hawai'i Primary Care Association and one individual. Your Committees received testimony in opposition to this measure from two individuals.

Your Committees find that by pooling the potential savings of as many states as possible to generate a sufficient financial incentive to develop cures for some of the world's most devastating diseases, the states will lessen their reliance on the prerogatives of the federal government and expedite medical breakthroughs. This measure will incentivize private organizations to research cures, treatments, and therapies for diseases for which there is little knowledge and for which private organizations have no incentive to research.

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 Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 663, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 663, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Baker).

Judiciary: Ayes, 6; Ayes with Reservations (Kim, Fevella). Noes, 1 (Acasio). Excused, none.

SCRep. 534 (Joint) Education and Agriculture and Environment on S.B. No. 1311

The purpose and intent of this measure is to:

(1) Require the Department of Education to establish food waste and zero-emission vehicle goals as part of the sustainable schools initiative; and

(2) Require annual reports to the Legislature.

Your Committees received testimony in support of this measure from the Hawai'i Public Health Institute, Ulupono Initiative, Americans for Democratic Action, Take Flight, Climate Protectors Hawaii, Hawaii Electric Vehicle Association, and seven individuals. Your Committees received comments on this measure from the Department of Education and Hawaii State Energy Office.

Your Committees find that food in public schools is wasted each day, costing the Department of Education millions of dollars each year. Safely sharing unused food that would otherwise be wasted with those who need it and implementing on-site campus composting programs that students can be involved with will help divert food waste from landfills, save potentially millions of dollars annually, provide students with valuable and engaging learning experiences, and give farmers and communities fresh carbon-sequestering compost. Additionally, your Committees find that providing access to healthy plant-based foods in state public schools is an effective way to improve sustainability and student health.

Your Committees also find that traditional internal combustion school bus engines emit exhaust, which children breathe in while riding buses and sitting in traffic, and can increase asthma and other health problems. In contrast, electric school buses provide potential benefits to the quality of student health, the environment, utility infrastructure, and cost savings. Additionally, electric buses have lower operational, maintenance, and labor costs than comparable buses powered by internal combustion engines and align with Hawaii's established goals of achieving a carbon-negative economy by 2045. This measure will engage students in sustainable living through learning about food waste management and provide students with zero emission transportation in the future.

Your Committees note that because the Department of Education contracts the majority of transportation services through private companies, the Department of Education will be somewhat constrained in the speed at which they can meet zero emissions goals. The Department of Education must balance the mandate to provide transportation services to students with the goals contained within this measure. Your Committees understand that this balancing effort may require amendments down the line based on the capacity for the Department of Education and their private contractors to replace existing internal combustion engine fleets and looks forward to the annual reports from the Department of Education to the Legislature.

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 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. 1311, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1311, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 5. Noes, none. Excused, none. Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 535 Water and Land on S.B. No. 1162

The purpose and intent of this measure is to clarify conditions that must be met by applicants to receive funds under the Forest Stewardship Program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that over sixty percent of Hawaii's forested areas are privately owned and managed. The Forest Stewardship Program provides technical and financial assistance to private landowners in protecting, restoring, and managing Hawaii's forested lands, which in turn helps protect watersheds, forest resources, forest products, fish and wildlife habitats, rare and endangered plants, and native vegetation. This measure modifies qualification requirements to increase program eligibility for private forest managers, increases funds available for the management of private forests, and provides protections for native vegetation.

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. 1162, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1162, 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 (Riviere).

SCRep. 536 (Joint) Water and Land and Agriculture and Environment on S.B. No. 1168

The purpose and intent of this measure is to amend and extend existing pasture leases and issue new pasture leases by negotiation, to further protect and enhance the State's pasture lands.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Environmental Caucus of the Democratic Party of Hawai'i, Conservation Council for Hawai'i, and one individual. Your Committees received comments on this measure from the Department of Agriculture; Hawai'i Farm Bureau; Hawaii Cattlemen's Council, Inc.; and Ulupono Initiative.

Your Committees find that this measure is intended to address 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 Committees have amended this measure by:

- (1) Inserting language requiring lease rents for pastoral and agricultural leases to be determined based on agricultural use value;
- (2) Inserting language to allow the Department of Land and Natural Resources to alter or convert the existing use of the productive agricultural land transferred under certain circumstances; 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. 1168, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1168, S.D. 1, and be referred to your Committee on Judiciary.

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. 537 (Majority) Water and Land on S.B. No. 1176

The purpose and intent of this measure is to:

- (1) Clarify that any police officer or agent of the Department of Land and Natural Resources (DLNR) upon whom the Board of Land and Natural Resources (Board) has conferred police powers may, upon reasonable belief, in the performance of their primary duties, inspect certain items for compliance with protection and conservation of natural resources regulations; and
- (2) Establish penalties for refusal to comply with inspection requests made by any police officer or agent of DLNR upon whom the Board has conferred police powers.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, The Nature Conservancy, Kua'āina Ulu 'Auamo, Moana Ohana, and four individuals. Your Committee received testimony in opposition to this measure from Coral Fish Hawaii, Big Island Fisheries Alliance, and seven individuals. Your Committee received comments on this measure from the Department of the Attorney General, Office of Hawaiian Affairs, and Hui Maka'ainana O Makana.

Your Committee finds that although consent to inspection is a condition for granting a game mammal hunting license in public hunting areas, because unlicensed hunters have not given prior consent to inspection, voluntary compliance must be given to inspect their bags for any illegal taking of wildlife, game, or other natural resources. Your Committee further finds that there is no consent to inspection requirement for non-commercial marine fishing licenses. By lowering the standard for these inspections from upon probable cause to upon reasonable belief, this measure will provide DLNR with adequate authority to conduct field inspections for compliance with rules and regulations concerning the taking of natural and cultural resources. Your Committee also finds that this measure clarifies the general conditions under which these inspections would occur. According to testimony received by your Committee, not only is the context, manner, and scope of this administration measure meant to be limited to a civil prosecution and penalty, but its enforcement is limited to its use by DLNR's Conservation and Resources Enforcement Officers in situations related to hunting and fishing activities.

According to testimony received by your Committee, DLNR has accepted the Department of the Attorney General's offer to train Conservation and Resources Enforcement Officers on the proper application of the provisions of this amended measure.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the proposed inspection authority applies to the Conservation and Resources Enforcement Officers of the DLNR upon whom the Board has conferred police powers;
- (2) Narrowing the scope of the authority to apply to illegal takings of natural resources related to hunting and fishing activities;
- (3) Prohibiting the inspecting officer from inspecting clothing and receptacles or containers that could not be reasonably used to carry game or aquatic life;
- (4) Outlining the conditions under which the brief inspection shall be conducted;
- (5) Removing language that referenced criminal prosecution and penalties;
- (6) Amending the administrative penalties to mirror the administrative penalties for violations relating to aquatic resources under section 187A-12.5, Hawaii Revised Statutes;
- (7) Inserting a purpose section to reflect the measure's 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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1176, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1176, S.D. 1, and be referred to your Committee on Judiciary.

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

SCRep. 538 Transportation on S.B. No. 112

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

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 makes flying or facilitating flying without a pilot license a misdemeanor.

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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 112, as amended herein, and recommends that it be recommitted to your Committee on Transportation, in the form attached hereto as S.B. No. 112, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

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

SCRep. 539 Transportation on S.B. No. 1213

The purpose and intent of this measure is to repeal the following sections of the Hawaii Revised Statutes:

- (1) Section 264-19, Hawaii Revised Statutes, relating to the transportation improvement special fund;
- (2) Section 266-2.3, Hawaii Revised Statutes, relating to Kewalo Basin and Honolulu Harbor use permits; and
- (3) Section 266-22, Hawaii Revised Statutes, relating to the maintenance of a fire boat.

Your Committee received testimony in support of this measure from the Department of Transportation and Department of Transportation Harbors Division.

Your Committee finds that the Hawaii Revised Statutes sections being repealed by this measure are obsolete or unnecessary. There are no funds remaining in the transportation improvement special fund and all improvements have been completed. Therefore, section 264-19, Hawaii Revised Statutes, is obsolete. Additionally, Kewalo Basin is managed by the Howard Hughes Corporation and is under the purview of the Hawaii Community Development Authority, not the Department of Transportation. Thus, the statute should reflect that shared permitting and expense items are wholly within the Hawaii Community Development Authority, making section 266-2.3, Hawaii Revised Statutes, unnecessary. Further, the Department of Transportation no longer owns any fire boat, which makes section 266-22, Hawaii Revised Statutes, out of date, obsolete, and unnecessary.

Your Committee has amended this measure by inserting an effective date of January 1, 2050, to encourage further discussion.

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. 1213, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1213, 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. 540 Transportation on S.B. No. 152

The purpose and intent of this measure is to:

- (1) Amend the requirements for the restraint of child passengers; and
- (2) Increase certain fines for violations.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Strategic Highway Safety Plan, County of Kauai Office of the Prosecuting Attorney, Honolulu Police Department, Keiki Injury Prevention Coalition, Kapi'olani Medical Center for Women & Children, and AAA Hawaii. Your Committee received comments on this measure from the Juvenile Products Manufacturers Association and Hawaii Association for Justice.

Your Committee finds that motor vehicle injuries are one of the leading causes of death among children. The best way to save lives and reduce injuries in the event of an automobile collision is to ensure the use of age and size appropriate car seats, booster seats, and seat belts. This measure will better protect children by placing them in a safer seating position within the vehicle and securely seated in an appropriate booster seat for an increased period of time.

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. 152 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. 541 Transportation on S.B. No. 1210

The purpose and intent of this measure is to provide the Department of Transportation with greater authority over the motor carrier vehicle safety inspection program.

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

Your Committee finds that the current methods and procedures of the state motor vehicle safety inspection program are inefficient. However, any time a change needs to be made the Department of Transportation must go to the Legislature and request a statutory change. This measure will make the Department of Transportation much more efficient by empowering the Director of Transportation to be able to make administrative changes without the requirement of statutory amendments.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1210, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1210, 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. 542 Transportation on S.B. No. 1212

The purpose and intent of this measure is to:

- (1) Require resolution of an outstanding federal out-of-service order prior to registration renewals and initial registrations of motor carrier vehicles; and
- (2) Define "out-of-service order".

Your Committee received testimony in support of this measure from the Department of Transportation and Hawaii Transportation

Your Committee finds that the Department of Transportation's Motor Carrier Safety Assistance Program (MCSAP) is funded through a federal grant from the Federal Motor Carrier Safety Administration. Eligible activities of the MCSAP include commercial motor vehicle inspections and compliance reviews. The Performance Registration Information Systems Management (PRISM) is a federal program that identifies motor carriers that are under a federal out-of-service order because those motor carriers have not corrected safety deficiencies found in compliance review inspections. This measure will allow the State to be compliant with and qualify under PRISM, and thus continue to receive MCSAP funding.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1212, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1212, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 543 Transportation on S.B. No. 1216

The purpose and intent of this measure is to amend section 286-236, Hawaii Revised Statutes, to comply with title 49, Code of Federal Regulations, part 380 subpart F, which requires entry level driver training for certain applicants for a commercial driver's license or endorsement.

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

Your Committee finds that effective February 7, 2022, the Federal Motor Carrier Safety Administration (FMCSA) will require states to comply with federal entry-level driver training regulations for certain first-time commercial driver license applicants. Failure to comply with the federal mandate could result in millions of dollars being withheld from the State. This measure will amend the state statutes to comply with the federal requirements.

Your Committee recognizes the testimony of the Department of Transportation, noting that several housekeeping amendments are needed in order to clarify the measure.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a grandfather provision allowed by the FMCSA that exempts the holder of a valid commercial learner's permit or commercial driver's license that was obtained prior to February 7, 2022, from the entry-level driver training requirements;
- (2) Clarifying that the validity period of a commercial learner's permit begins on the date that the driver passes the general knowledge test or any required endorsement knowledge test, or from the date the permit is issued if a knowledge test is not required;
- (3) Inserting an effective date of January 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1216, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1216, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

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

SCRep. 544 Transportation on S.B. No. 1211

The purpose and intent of this measure is to repeal section 286-208, Hawaii Revised Statutes, which provides exemptions for vehicles used by farmers from the motor carrier safety law.

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

Your Committee finds that existing state law is superseded by title 49 Code of Federal Regulations sections 390.5 and 390.39, both of which have been adopted by the State under chapter 19-141, Hawaii Administrative Rules. This measure will repeal this outdated statute. According to testimony received by your Committee, failure to enact this measure could disqualify Hawaii from receiving \$1,200,000 in federal Motor Carrier Safety Assistance Program funds annually. Although the Department of Transportation is currently working to establish new exemptions for farmers to continue their current practice of traversing through public highways to reach unconnected farmlands, your Committee notes that there are no existing exemptions nor administrative rules that would authorize farmers to use vehicles outside of the federal covered farm vehicles exemption. Your Committee believes that these issues merit further discussion and requests that your Committee on Judiciary further examine this concern, should this measure proceed.

Your Committee has amended this measure by inserting an effective date of January 1, 2050, to encourage further discussion.

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. 1211, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1211, 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 (English, Inouye, Fevella). Noes, none. Excused, none.

SCRep. 545 Housing on S.B. No. 1

The purpose and intent of this measure is to:

- (1) Establish the ALOHA Homes Program to facilitate the creation of low-cost leasehold homes for sale to residents of the State on state-owned land near public transit stations;
- (2) Authorize 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) Establish the ALOHA Homes Revolving Fund.

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 amended this measure by:

- (1) Deleting the definition of "high density";
- (2) Making changes to reflect that ALOHA Homes projects endeavor to be revenue-neutral instead of requiring them to be so;
- (3) Removing a provision that required the Hawaii Housing Finance and Development Corporation to recoup all costs of ALOHA Homes projects;
- (4) Altering the pricing for median ALOHA Homes within an urban redevelopment site to ensure revenue neutrality for the State;
- (5) Eliminating income level and down payment requirements for qualification for median ALOHA Homes;
- (6) Deleting the requirement that ALOHA Home owners retain property for five years before selling, certain restrictions on transfers of ALOHA Homes, and the requirement that the Hawaii Housing Finance and Development Corporation purchase the home in the event the owner defaults on the mortgage;
- (7) Removing the requirement for Hawaii Housing Finance and Development Corporation to complete a pilot project; and
- (8) Amending the appropriation provision to include three full time equivalent positions for the ALOHA Homes Project.

Your Committee received testimony in support of the proposed S.D. 1 from the Trinity United Methodist Church, Catholic Charities Hawaii, Institute for Human Services, Hawaii Health & Harm Reduction Center, Faith Action for Community Equity, Church of the Crossroads, Partners In Care, and seventeen individuals. Your Committee received testimony in opposition to the proposed S.D. 1 from the Office of Hawaiian Affairs and one individual. Your Committee received comments on the proposed S.D. 1 from the Hawaii Housing Finance and Development Corporation, Department of Hawaiian Home Lands, Department of Education, and Department of the Attorney General.

Your Committee finds that the cost and lack of availability of housing is a significant concern to residents of the State. While the State has the tenth highest median wage nationally, living expenses are two-thirds higher than the rest of the nation, with the cost of housing being a major contributing factor. The Legislature needs to authorize more affordable housing projects to be built for the residents of the State. This measure will go a long way towards the goal of providing enough affordable housing for all of the residents of the State.

Your Committee notes that adopting the Office of Hawaiian Affairs' proposed amendments on ninety-nine-year leases, and income restrictions would actually hurt, not help, its intended beneficiaries. Ninety-nine years is the minimum amount of time necessary to give security that the initial buyer will never have to move before they die. It is easy to imagine young buyers outliving a shorter lease term, such as sixty-five years, and the Legislature's intent is to draw a clear line protecting the initial buyers, not secondary market buyers. This maximizes the chances of the units actually reverting back to the State, which the Office of Hawaiian Affairs wants. A

sixty-five-year lease necessarily implies contemplating lease extensions to accommodate those initial buyers. For these reasons, it is the intent of this committee and a tenet of this measure to provide a lease term of ninety-nine years for the leasehold interest of condominiums

Your Committee further notes that the purpose of this measure is to create a new model of mixed income housing available to all in which the wealthy and the indigent will live side-by-side. Housing projects where the wealthy and indigent students have equal access to a free, taxpayer-funded education at public schools, and we would not countenance rationing public education on the basis of income need or ethnicity. In the same way, ALOHA Homes will be a public service available to the public equally without regard to income, and enough housing will be produced to meet demand. In addition, income is a poor predictor of the ability to buy housing, as demonstrated by low-income young people who have parents willing to subsidize their home purchases. Finally, the Office of Hawaiian Affairs is unwilling to adopt income restrictions on development of residential condominiums on its Kakaako Maki parcels.

Your Committee also notes that because these units will be built on lands set aside to the Hawaii Housing Finance and Development Corporation, the corporation will be unable to transfer the fee interest in these lands to the Department of Hawaiian Home Lands.

Your Committee supports increasing funding to the Department of Hawaiian Home Lands, whose mission is complementary to the ALOHA Homes program. In the same way that the Department of Education is the largest educator of native Hawaiian children in the world, it is this measure's intent to produce enough revenue neutral housing to satisfy all demand from all ethnicities, including native Hawaiians. The Department of Hawaiian Home Lands can and should continue to fulfill its mission of providing subsidized housing for its beneficiaries.

Your Committee also notes that this measure exempts the ALOHA Homes Revolving Fund from legislative appropriation and allotment. Many other agencies, such as the Hawaii Community Development Authority, have the same exemption. Because these funds will be used much like a homeowner's association fund, it is not appropriate that legislative appropriation and allotment be required.

Finally, your Committee would like to acknowledge the comments provided by the Department of Education wherein they expressed concern about school impact fees as provided by sections 1601-1612, Hawaii Revised Statutes. Your Committee notes that section 201H-D(b)(11), Hawaii Revised Statutes, as set forth in this measure, already mandates the provision of schools.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- Removing the requirement for the transfer of ALOHA Homes to the Department of Hawaiian Home Lands or the Office of Hawaiian Affairs:
- (2) Removing the provision requiring voting in the most recent election as proof of residency and replaced it with the requirements of being a "qualified resident" as defined in section 201H-32, Hawaii Revised Statutes;
- (3) Removing a provision that would have classified ALOHA Homes as "public lands" for the purposes of accounting for receipts from lands described in section 5(f) of the Admissions Act;
- (4) Clarifying the definition of "owner-occupied residential use" to include a prohibition on renting or subleasing; 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. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 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 (Moriwaki).

SCRep. 546 Housing on S.B. No. 10

The purpose and intent of this measure is to require the counties to adopt rules allowing religious and educational institutions to build affordable housing units on land they own regardless of current zoning restrictions.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from Grassroots Institute of Hawaii

Your Committee finds that Hawaii has a housing crisis. A recent study by the Department of Business, Economic Development, and Tourism found that the State will need more than fifty thousand homes by the year 2025. It is imperative that the State explore new and creative solutions to make meaningful progress in the housing crisis. This measure will allow educational and religious institutions to help end the housing crisis by developing housing units on land they own.

Your Committee has amended this measure by:

- (1) Adding the requirement that any housing developed under the provisions of this measure be either affordable housing or exclusively for Hawaii residents who are owner or renter occupants and own no other real 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 Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 10, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 10, 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. 547 Government Operations on S.B. No. 229

The purpose and intent of this measure is to:

- (1) Require executive departments to submit their annual reports concerning their non-general fund accounts to the Auditor, in addition to the Legislature;
- (2) Require executive departments to include the status of implementing any recommendations made by the Auditor, and detail the reasons why any recommendation has not been implemented, in the annual reports;
- (3) Require the Auditor to submit an annual compilation report for annual non-general fund account reports; and
- (4) Require the Auditor to include, in its annual report to the Legislature 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 requiring the Auditor to compile and submit a report on the status on implementing recommendations of each department's non-general funds is duplicative of the reports that state departments are required to provide the Legislature. Your Committee further finds that the fund recommendations from the Office of the Auditor on the departments' special, revolving, and trust funds are not subject to the general fund appropriation process and notes that the Office of the Auditor reviews each special, revolving, and trust fund every five years.

Your Committee has amended this measure by:

- (1) Removing language that would have required the Auditor to submit an annual compilation report for annual non-general fund account reports; 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. 229, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 229, 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. 548 (Joint) Government Operations and Judiciary on S.B. No. 246

The purpose and intent of this measure is to establish the state government realignment commission to periodically review the state executive branch's departments, divisions, and agencies, including functions and services, and submit its findings and recommendations for greater modernization, transparency, and accountability to the Legislature.

Your Committees received comments on this measure from the Department of Accounting and General Services.

Your Committees find that there is a need to modernize state government to meet the current needs of society. Your Committees further find that the current generation of Hawaii residents have not only shown a lack of public support for government, but also believe that the State needs to be more modernized, transparent, and accountable. Your Committees note that it is unusual for the Senate to advise and consent on board and commission members appointed by the Senate President and Speaker of the House of Representatives.

Your Committees have amended this measure by:

- (1) Specifying that only the members appointed by the Governor shall be subject to the advice and consent of the Senate; 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 Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 246, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 246, 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.

Judiciary: Ayes, 6; Ayes with Reservations (Acasio). Noes, none. Excused, 1 (Kim).

SCRep. 549 Government Operations on S.B. No. 661

The purpose and intent of this measure is to allow boards the option to use interactive conference technology to conduct remote meetings in compliance with the Sunshine Law, while retaining the option to conduct traditional in-person meetings at a single meeting site or at multiple meeting sites connected by interactive conference technology.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Information Practices, Executive Office on Aging, Disability and Communication Access Board, Hawai'i Civil Rights Commission, Big Island Press Club, The Civil Beat Law Center for the Public Interest, All Hawaii News, Common Cause Hawaii, League of Women Voters of Hawaii, National Federation of the Blind of Hawaii, and eight individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Division and Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that during the ongoing coronavirus disease 2019 (COVID-19) pandemic, emergency measures have been implemented to allow boards to continue meeting and conducting necessary business while protecting participants' health and safety

and expanding public access to meetings throughout the State. Your Committee further finds that, even after stay-at-home-orders due to COVID-19 are no longer necessary, circumstances may arise in which remote board meetings would be beneficial. Your Committee additionally finds that remote meetings can protect the health and safety of participants and that should remote meetings continue in non-emergency times, permanent amendments must be made to the state sunshine laws.

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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 661, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 661, 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. 550 Government Operations on S.B. No. 762

The purpose and intent of this measure is to:

- (1) Require the Department of Accounting and General Services (DAGS) to develop and implement an enhanced security plan for the Hawaii State Capitol and surrounding grounds;
- (2) Require DAGS to submit annual reports of its findings and recommendations, including any proposed legislation, to the Legislature regarding its progress on short-term and long-term steps toward implementing the enhanced security plan, no later than twenty days prior to the convening of the Regular Session of 2022; and
- (3) Amend provisions regarding the internal governance of the State Capitol Management Committee.

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 Accounting and General Services, Department of Public Safety, and Common Cause Hawaii.

Your Committee finds that currently there are no meaningful security measures in place to restrict dangerous crowds, weapons, explosives, or vehicular access at the Hawaii State Capitol. This measure will ensure reasonable preventative short-term and long-term measures to protect public safety while also preserving public access at the Hawaii State Capitol, rather than waiting for a tragic incident and loss of life to occur before action is taken. Your Committee recognizes that the Hawaii State Capitol building not only is listed in the national and Hawaii register of historic places but is also a central feature of the designated Hawaii Capitol Historic District.

Accordingly, your Committee has amended this measure by:

- (1) Including the State Historic Preservation Officer or their designee among the members of the State Capitol Management Committee, to ensure that the preservation of the historic character of the Hawaii State Capitol is fully considered during the planning for the security upgrades at the Hawaii State Capitol building; 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. 762, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 762, 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. 551 Government Operations on S.B. No. 933

The purpose and intent of this measure is to:

- (1) Establish four-year terms for the members of the Information Technology Steering Committee (ITSC) without regard to the holdover limitations in section 26-34, Hawaii Revised Statutes;
- (2) Redefine the member composition of ITSC by allowing the Superintendent of Education and the President of the University of Hawaii to each appoint one member; and
- (3) Require the Chief Information Officer to present the Office of Enterprise Technology Services annual report to ITSC prior to submitting it to the Legislature before the convening of each Regular Session.

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 received comments on this measure from the Department of the Attorney General.

Your Committee finds that preserving the continuity of the ITSC is necessary to properly administer section 27-43, Hawaii Revised Statutes, relating to the development of the State's information technology standards and policies. Your Committee recognizes that this measure is meant to address the holdover members of the ITSC that the Senate has not confirmed through advice and consent. Your Committee notes that although there are no specific deadlines in section 3 of this measure, because of the amendments to this measure by your Committee, section 3 may not be necessary.

Your Committee has amended this measure by:

- (1) Removing language that would have exempted appointees of the ITSC from the holdover provision of section 26-34, Hawaii Revised Statutes, and instead subjecting the appointees to the advice and consent of the Senate;
- (2) Clarifying that the Chief Information Officer shall serve as a member and as the chairperson of ITSC; 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. 933, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 933, 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. 552 Government Operations on S.B. No. 1015

The purpose and intent of this measure is to expand the Comptroller's duties to include the assessment of state agency office space, including initiating, canceling, and renegotiating current and new leases and to coordinate teleworking infrastructure requirements to support State agency tenants.

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

Your Committee finds that remote teleworking during the coronavirus disease 2019 pandemic has enabled the State to make better use of its limited resources, including office space, furnishing, equipment, electrical and data requirements, storage space, and other traditional needs of employees who work at state facilities. According to the testimony received by your Committee, the Department of Accounting and General Services (DAGS) manages roughly one percent of the entire state building inventory. Your Committee further finds that the level of administrative oversight that this measure demands is beyond the current capacity of DAGS.

Your Committee has amended this measure by:

- (1) Directing the Comptroller to perform specific duties relating to office space management, authorizing space allocation, and determining telework infrastructure requirements for state agencies occupying facilities managed by DAGS; 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. 1015, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1015, 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. 553 (Joint) Government Operations and Transportation on S.B. No. 1305

The purpose and intent of this measure is to encourage the work-related use of personal vehicles by employees of the State to decrease the size of state motor pools.

Your Committees received comments on this measure from the Department of Accounting and General Services.

Your Committees find that the Department of Accounting and General Services currently maintains a fleet of about four hundred thirty-five vehicles in its motor pool program, and that the State as a whole has about five thousand vehicles owned and operated by various state agencies which operate their own motor pools and fleets. Your Committees further find that state employees who use their personal vehicles through their various bargaining unit contracts are reimbursed at the standard mileage rate prescribed by the Internal Revenue Service for each mile traveled for business purposes. This measure will establish a state compensation program for the use of personal vehicles to conduct official business with a goal of minimizing the size of motor pools maintained by the State and state agencies.

As affirmed by the records of votes of the members of your Committees on Government Operations and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1305 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. Government Operations: Ayes, 5. Noes, none. Excused, none. Transportation: Ayes, 5. Noes, none. Excused, none.

SCRep. 554 Government Operations on S.B. No. 1329

The purpose and intent of this measure is to create time limits to resolve protests to the awards of competitive sealed proposal contracts and procurements of professional services.

Your Committee received testimony in support of this measure from the Department of Transportation; Subcontractors Association of Hawaii; and Associated Builders and Contractors, Hawaii Chapter. Your Committee received testimony in opposition to this measure from the Department of Accounting and General Services. Your Committee received comments on this measure from the State Procurement Office.

Your Committee finds that the timely review and resolution of bid protests reduces the costs of state-awarded projects. Your Committee recognizes that bid protests may involve complex issues and that some agencies have taken six months or longer to respond to a bid protest. Your Committee further finds that creating a deadline for the reviewing department or agency to address protest

concerns would cause even more delay in the bid protest process. Your Committee notes that existing statutes on administrative hearings of bid protests require a resolution within forty-five days and therefore concludes, that seventy-five calendar days, with an extension of thirty calendar days for extenuating circumstances, is a sufficient timeframe for a procuring department or agency to resolve its bid protests.

Your Committee has amended this measure by:

- (1) Removing language that would have set internal deadlines for the purchasing agency and any reviewing department or agency to complete the review of a protest concerning the solicitation or award of a contract;
- (2) Inserting language that requires the resolution of the bid protest within seventy-five calendar days of receipt of the protest;
- (3) Allowing for an extension of the seventy-five day resolution period under certain circumstances; 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. 1329, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1329, 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. 555 (Joint) Government Operations and Energy, Economic Development, and Tourism on S.B. No. 1371

The purpose and intent of this measure is to authorize government agencies to wheel electricity produced by their own facilities from renewable energy sources, subject to disallowance by the Public Utilities Commission.

Your Committees received testimony in support of this measure from the Hawaii Clean Power Alliance and Environmental Caucus of the Democratic Party of Hawaii. Your Committees received testimony in opposition to this measure from Hawaiian Electric Company. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs Division of Consumer Advocacy and Public Utilities Commission.

Your Committees find that as a result of pursuing its goal to reach one hundred percent renewal energy by 2045, Hawaii now leads other states in nearly every category of renewable energy. Notwithstanding such progress, the State continues to depend heavily upon imported petroleum for its energy needs and fall short of its ambitious renewable energy goals. Your Committees believe that they must continue to support established renewable energy sources emerging from new technological innovations.

Your Committees further find that the production of clean electricity may be encouraged if government agencies, as sellers of clean electricity, are allowed to engage in intra-government wheeling. The State and other government entities could acquire clean electricity by purchasing it from a clean electricity project developer and then transmitting it across utility lines owned and maintained by an existing electric utility to the government agency or another government agency.

Your Committees recognize the concerns raised in testimony provided by the Hawaiian Electric Company regarding the impact wheeling has on utilities and urges the Public Utilities Commission to consider the following when assessing wheeling requests:

- (1) The financial costs and impacts of intra-governmental wheeling on non-wheeling customers of a utility;
- The impact intragovernmental wheeling will have on existing independent power producers already providing energy under contract to Hawaii's electric utilities;
- (3) Any power back-up issues;
- (4) How the rates for intra-governmental wheeling will be established; and
- (5) The implementation costs of intra-governmental wheeling.

Your Committees further find that it is important to provide the Public Utilities Commission with flexibility to carry out the provisions in this measure.

Accordingly, your Committees have amended this measure by authorizing the Public Utilities Commission to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, or by order of the Public Utilities Commission in order to implement the provisions of this measure.

As affirmed by the records of votes of the members of your Committees on Government Operations 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. 1371, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1371, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Lee, Riviere).

SCRep. 556 Government Operations on S.B. No. 1391

The purpose and intent of this measure is to require the Procurement Policy Board to adopt specific rules requiring the consideration of life-cycle costs in all state procurements by December 31, 2021.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office. Your Committee received testimony in opposition to this measure from the Department of Accounting and General Services. Your Committee received comments on this measure from the State Procurement Office and KYD, Inc.

Your Committee finds that the State considers life-cycle costs when procuring those classes of items for which nationally recognized energy efficiency data have been developed and investing in products, services, construction, and other projects to lower the State's costs and to reduce energy and water consumption. According to testimony received by your Committee, the consideration of life-cycle costs in the evaluation of competitive sealed bids creates more ambiguity in construction solicitation and increases the potential for bid protests. Your Committee further finds that the consideration of life-cycle costs in procurement is critical to ensure economical management of the financial resources of the State and counties.

Your Committee has amended this measure by:

- (1) Amending the definition of "life-cycle costs";
- (2) Removing language that would have required the Procurement Policy Board to adopt rules to consider, specify, and quantify the life-cycle costs of goods, services, and construction procured through competitive sealed bidding; 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. 1391, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1391, 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. 557 Government Operations on S.B. No. 141

The purpose and intent of this measure is to appropriate funds for the State Building Code Council.

Your Committee received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, Blue Planet Foundation, and one individual. Your Committee received comments on this measure from the Department of Accounting and General Services and Hawaii State Energy Office.

Your Committee finds that this measure is intended to establish one full-time equivalent (1.0 FTE) program director position and one full-time equivalent (1.0 FTE) staff member position, and to provide for employee training, materials and supplies, other costs associated with the State Building Code Council, and any costs necessary to establish a full-time office.

While your Committee is in strong support of providing personnel and resources to ensure the building codes developed by the State, and thereby adopted by the counties, are timely and reflect the latest in technology, energy, health, and safety, your Committee also recognizes that the Department of Accounting and General Services (DAGS), to which the State Building Code Council is administratively attached, is only responsible for buildings of the Executive Branch and not the State Building Code Council has statewide importance beyond the purview of DAGS and would be more appropriately aligned within the Hawaii State Energy Office within the Department of Business, Economic Development, and Tourism (DBEDT). Your Committee also encourages the State Building Code Council to work with DBEDT on its executive budget to provide funding to support the establishment of a full-time office with a full-time equivalent (1.0 FTE) program director position and any additional personnel and resources as needed for State Building Code Council to carry out its important work.

Accordingly, your Committee has amended this measure by:

- (1) Removing the general fund appropriation to establish one full-time equivalent (1.0 FTE) program director position and one full-time equivalent (1.0 FTE) staff member position, and for employee training, materials and supplies, other costs associated with the State Building Code Council, and any costs necessary to establish a full-time State Building Code Council office;
- Inserting language to transfer the State Building Code Council from DAGS to the Hawaii State Energy Office under DBEDT;
 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. 141, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 141, 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. 558 Government Operations on S.B. No. 694

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 Land and Natural Resources, Department of Education, Department of Transportation, Office of Hawaiian Affairs, Chamber of Commerce Hawaii, Hawai'i Youth Climate Coalition, Hawaii Immunization Coalition, and four individuals.

Your Committee finds that this measure aligns with the 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 notes that the Hawaii State Senate has utilized the United Nations sustainable goals to develop, discuss and organize its legislative priorities prior to recent legislative sessions and believes that broader application would be beneficial for the State.

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. 694 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. 559 Government Operations on S.B. No. 695

The purpose and intent of this measure is to:

- (1) Establish La Ku'oko'a, Hawaiian Recognition Day, as an official state holiday; and
- (2) Repeal Election Day as an official state holiday.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; LGBT Caucus of the Democratic Party of Hawai'i; O'ahu Council of the Association of Hawaiian Civic Clubs; Ka Lei Papahi O Kakuhihewa, and five individuals. Your Committee received comments on this measure from the City and County of Honolulu Department of Human Resources and Common Cause Hawaii.

Your Committee finds that Hawaii's special heritage and the various holidays currently celebrated distinguishes Hawaii from other states. La Ku'oko'a commemorates the date of November 28, 1843, when, during the reign of Kamehameha III, Great Britain and France recognized the independence of the Hawaiian Kingdom. Acknowledging La Ku'oko'a, or Hawaiian Recognition Day, is an appropriate and meaningful way to recognize and celebrate the culture and history of Hawaii. However, according to testimony received by your Committee, eliminating Election Day as a state holiday sends the wrong message about the importance of voting and may also create issues or difficulty with determining locations for voter service centers, especially those on government facilities. Your Committee recognizes that Hawaii is a vote-by-mail state with voter service centers on government facilities that currently open ten days prior to primary and general elections. Your Committee further recognizes that the cost of a holiday to the State, not including the cost to the counties, is roughly \$13,600,000.

Accordingly, your Committee has amended this measure by:

- (1) Designating La Kuʻokoʻa, Hawaiian Recognition Day, to celebrate the historical recognition of the independence of the kingdom of Hawaii, but not to be construed as a state holiday;
- (2) Removing language that would have eliminated Election Day as an official state holiday; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee recognizes that the amendment to this measure may be problematic given the bill title and requests that your Committee on Judiciary consider this issue as the measure proceeds.

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. 695, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 695, 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. 560 (Joint) Government Operations and Labor, Culture and the Arts on S.B. No. 830

The purpose and intent of this measure is to:

- (1) Require each department to establish a telework and alternative work schedule policy;
- Establish a minimum percentage of eligible employees who are required to telework or use an alternative work schedule policy;
- (3) Require departments to allow, when feasible, employees who act as a caregiver to telework or use an alternative work schedule; and
- (4) Require the Department of Human Resources Development to submit a report of its findings and recommendations, including any proposed legislation and specific budget requests, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

Your Committees received testimony in support of this measure from the Department of Human Resources Development; Department of Education; Department of Transportation; Office of Planning; Hawaii State Commission on the Status of Women; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State Teachers Association; American Association of University Women of Hawaii; Hawaii Children's Action Network Speaks!; Planned Parenthood Votes Northwest and Hawaii; and twelve individuals. Your Committees received comments on this measure from the Department of Public Safety.

While your Committees are in strong support of increasing state productivity, increasing employee quality of life, and reducing costs associated with staff turnover and office space through teleworking, your Committees recognize that mandating a specific percent of

employees from each department to telework may prevent certain departments from meeting their core responsibilities and requiring each department to establish its own teleworking policy may lead to inconsistences across the executive branch. Your Committees further recognize that issues pertaining to employee working conditions have historically been subject to collective bargaining negotiations between the employer and the exclusive employee representative and believe that prior to imposing teleworking requirements on individual departments, it would be prudent to study best practices for teleworking and to work with executive branch departments and affected exclusive bargaining representatives in developing effective telework policies and procedures.

Accordingly, your Committees have amended this measure by:

- (1) Removing language that would have:
 - (A) Required each department to establish a telework and alternative work schedule policy;
 - (B) Established a minimum percentage of eligible employees who are required to telework or use an alternative work schedule policy; and
 - (C) Required departments to allow, when feasible, employees who act as a caregiver to telework or use an alternative work schedule;
- (2) Inserting language that directs the Department of Human Resources Development to convene a working group of stakeholders from the executive branch departments and affected exclusive bargaining representatives to update and create policies and procedures relating to telework and alternative work schedules to address the caregiving and other needs of state employees;
- (3) Requiring the Department of Human Resources Development to report on its proposed telework and alternative work schedule policies and procedures, including any recommendations on proposed legislation or specific budget requests, to the Legislature prior to the convening of the Regular Session of 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 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. 830, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 830, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees (Chair Taniguchi signed "with reservations"). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Gabbard). Labor, Culture and the Arts: Ayes, 5. Noes, none. Excused, none.

SCRep. 561 Government Operations on S.B. No. 928

The purpose and intent of this measure is to:

- (1) Allow the works of art special fund to be used for the support and promotion of performing arts in the State;
- (2) Include posting of a recording of performing art as a form of public display; and
- (3) Define performing arts.

Your Committee received testimony in support of this measure from the Hawai'i Arts Alliance and one individual. Your Committee received testimony in opposition to this measure from Ebb & Flow Arts, Inc.; Volcano Art Center; and seven individuals. Your Committee received comments on this measure from the Department of Budget and Finance; Department of Business, Economic Development, and Tourism; Department of the Attorney General; and State Foundation on Culture and the Arts.

Your Committee finds that the works of art special fund is funded by tax-exempt general obligation bonds and therefore must be used for capital projects, not operating expenses. According to testimony received by your Committee, although the recording of works is a capital expenditure under the Internal Revenue Code and the Treasury Regulation, the showing or playback of the video or audio files recorded may be considered an operating expense and therefore use of the works of art special fund for such purposes could jeopardize the tax-exempt status of the State's general obligation bonds. Your Committee also notes that the State Foundation on Culture and the Arts has agreed to work with the Department of Budget and Finance and the Department of the Attorney General to look for ways to expand the uses of the works of art special fund.

Your Committee has amended this measure by:

- (1) Removing all references to the showing or playback of a recorded work of art or performance in public places; 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. 928, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 928, 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. 562 Government Operations on S.B. No. 1204

The purpose and intent of this measure is to:

(1) Replace the four taxation district boards of review with a single statewide Taxation Board of Review appointed by the Governor, consisting of ten members with three required for quorum;

- (2) Clarify that any vacancy in the Taxation Board of Review would not impair the authority of the remaining member to exercise their powers, provided that there is quorum;
- (3) Authorize the Governor to appoint acting members to the Taxation Board of Review to temporarily fill vacancies created by a current member's illness, recusal from a case, or temporary absence from the State;
- (4) Require at least one board member to be physically present at each meeting;
- (5) Authorize board members and taxpayers to appear and conduct official business using cost—saving measures;
- (6) Require all decisions of the Taxation Board of Review to be in writing and state the Board's findings of fact and conclusions of law:
- (7) Clarify the conditions of a timely notice of appeal to the Taxation Board of Review; and
- (8) Remove the requirement for an assessor to prepare a notice of appeal upon request of the taxpayer and the assumption that the notice prepared is sufficient.

Your Committee received testimony in support of this measure from the Department of Taxation. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the laws regarding the boards of review for each taxation district have inadvertently rendered the taxation appeal process practically inoperable. Your Committee further finds that replacing the four district boards of review with a single, statewide Taxation Board of Review will address and solve the existing boards' current inability to achieve regular and consistent quorum and increase the limited pool of candidates who are qualified and willing to serve. According to testimony received by your Committee, the provisions proposed in this measure requiring at least one board member to be physically present at each meeting and authorizing board members to appear and conduct official business using cost—saving measures, such as teleconferencing, are in conflict with the state Sunshine Laws.

Your Committee has amended this measure by:

- (1) Removing language that would have:
 - (A) Required at least one member of the Taxation Board of Review to be physically present at each meeting; and
 - (B) Authorized Board members to appear and conduct official business using cost—saving measures, such as teleconferencing; 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. 1204, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1204, 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. 563 Transportation on S.B. No. 57

The purpose and intent of this measure is to:

- (1) Statutorily establish certain certification, renewal, and violation processes for vehicle inspectors who conduct safety inspections under the Department of Transportation; and
- (2) Repeal requirements for reconstructed vehicles to obtain a special inspection and certification.

Your Committee received testimony in support of this measure from the Department of Transportation, Oahu Motorsports Association, and seventy-five individuals. Your Committee received comments on this measure from the Honolulu Police Department.

Your Committee finds that vehicle inspectors serve an important function in the State by certifying the safety of vehicles in Hawaii. This measure codifies the process by which vehicle inspectors earn and renew their certification and are penalized for improper inspections.

Your Committee also finds that the reconstructed vehicle inspection program on Oahu is not necessary. Available crash data does not indicate that reconstructed vehicles are more dangerous than other vehicles. Moreover, the reconstructed vehicle program does not exist on the neighbor islands. As this program is unique to Oahu and there is no data to support the conclusion that it is effective, this measure repeals the reconstructed vehicle program.

Your Committee notes that elements of the reconstructed vehicle inspection, specifically with regard to tire width and fender flares, rear mud guards, and maximum vehicle height are issues of public safety. The Department of Transportation has assured your Committee that these elements are already part of the existing motor vehicle safety inspection program statewide and it is the expectation of your Committee that these elements will continue to be required to be inspected on all motor vehicles under the state motor vehicle inspection program.

Your Committee has amended this measure by:

- Requiring the Department of Transportation to adopt rules to include exhaust noise tests to ensure exhaust noise does not
 exceed ninety-five decibels as part of the safety inspection 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 57, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 57, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 564 Transportation on S.B. No. 1368

The purpose and intent of this measure is to:

- (1) Prohibit the eviction of any tenant of Kawaihapai Airfield so long as that tenant remains in good standing; and
- (2) Require the Department of Transportation to cooperate with any private entity performing an economic feasibility study of Kawaihapai Airfield.

Your Committee received testimony in support of this measure from SaveDillinghamAirfield.org; North Shore Oahu Flight School; United States Parachute Association; Hawaiian Astronomical Society; Soaring Society of America, Inc.; Uncomfortably Comfortable LLC; Aircraft Owners and Pilots Association; Above & Beyond Hawaii; Pacific Skydiving Center; Skymax LLC; Everest Innovation Lab LLC; Shoreline Conservation Initiative; Kawaihapai Ohana; North Shore Aviation; and three hundred individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that Kawaihapai Airfield, also known as Dillingham Airfield, is a vital economic and tourism contributor to the economy of Oahu's north shore. Small business tenants at the airfield generate over \$12,000,000 in yearly revenues and employ over one hundred and thirty people. Currently the Department of Transportation (DOT) leases the airfield from the United States Department of the Army. The original DOT lease runs until July 5, 2024, however the lease is now set to terminate on June 30, 2021, due to an early termination provision.

Your Committee notes the myriad of complex issues with Kawaihapai Airfield raised in both the written and oral testimony. As such, your Committee finds it prudent to form a task force to address these issues and work towards a solution with input from all parties.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting language to create the Kawaihapai Airfield Revitalization Task Force to:
 - (A) Address the issues necessary to keep Kawaihapai Airfield open and operating safely, provided that plans to resolve all pending issues can be agreed upon by June 30, 2021, and subsequently executed; and
 - (B) Submit a report to the Legislature prior to the convening of the Regular Session of 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1368, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1368, 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. 565 Water and Land on S.B. No. 1165

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, Malolo Charters, Trilogy Excursions, and two individuals.

Your Committee finds that there are an increasing number of commercial ocean recreation providers requesting to operate in state waters. Your Committee believes that the fairest way to issue the limited commercial permits available under these circumstances is through public auction. The fees collected through public auction of permits to operate from state small boat harbors go toward the operation, maintenance, and management of all state small boat harbor facilities under the control of the Department of Land and Natural Resources. Ultimately, this measure would allow the Department of Land and Natural Resources to increase revenues through higher permit fees arising as a result of competitive bidding through auctions. Your Committee notes that this measure is not intended to affect existing commercial permits. In situations where unfairness to permit applicants may result if a lottery or first-come, first-served method is used, the Department of Land and Natural Resources believes that having the authority to auction new permits would provide a better opportunity for existing established operators to obtain a permit.

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. 1165 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 (Riviere).

SCRep. 566 Water and Land on S.B. No. 1404

The purpose and intent of this measure is to establish a working group to manage the Honokohau Small Boat Harbor with the oversight and assistance of the Department of Land and Natural Resources' Division of Boating and Ocean Recreation, to dissolve on June 30, 2026.

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 Land and Natural Resources and Surfrider Foundation's Kona Kai Ea Chapter.

Your Committee finds that the Department of Land and Natural Resources' Division of Boating and Ocean Recreation has already formed the Honokohau Small Boat Harbor Working Group (working group), which held its first meeting in August 2018. This measure establishes the working group in statute, formalizes its ongoing efforts to function as the management authority for the Honokohau Small Boat Harbor, and enables the continued collaboration needed to support the economic opportunities for the community served by the Honokohau Small Boat Harbor.

Your Committee, however, notes the concerns raised in testimony that formalizing the working group, especially to function as the management authority for the Honokohau Small Boat Harbor, may supersede the function of a government agency, namely the Department of Land and Natural Resources, to lease its assets to a private entity. Your Committee finds this concern holds merit and to the extent this measure allows the working group to explore the private-public framework, your Committee recognizes that all lease arrangements continue to rest with the Department of Land and Natural Resources.

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. 1404 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 (Riviere).

SCRep. 567 Water and Land on S.B. No. 572

The purpose and intent of this measure is to strengthen the penalties for violations of the State's aquatic resources law by:

- (1) Specifying that any equipment, article, instrument, aircraft, vehicle, vessel, or business record used in violation of the aquatic resources law is subject to forfeiture;
- (2) Authorizing the imposition of a criminal fine;
- (3) Clarifying that the fine structure may be assessed on a per-specimen basis;
- (4) Making violations of the aquatic resources law a misdemeanor, rather than a petty misdemeanor; and
- (5) Permitting the Department of Land and Natural Resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine.

Your Committee received testimony in support of this measure from the Hawaii Reef and Ocean Coalition, Animal Rights Hawaiii, and two individuals. Your Committee received testimony in opposition to this measure from the Ocean Tourism Coalition and Calypso Charters. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that allowing funds from fines to be collected and deposited into the Conservation and Resources Enforcement Special Fund could be used to support the Department's law enforcement efforts through its Conservation and Resources Enforcement Program.

Your Committee has amended this measure by:

- (1) Removing "for each specimen" since the Department of Land and Natural Resources already provides for per-specimen fines of up to \$1,000 and \$5,000 for the respective offenses;
- (2) Maintaining violations as petty misdemeanors, to prevent a relapse of pleading down or dismissing aquatic resource cases;
- (3) Providing that a fine of up to \$1,000 may be levied for all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12, Hawaii Administrative Rules, or any rule adopted thereunder;
- (4) Deleting the provision providing for seizure and forfeiture of property due to the Department of Land and Natural Resources' existing forfeiture authority under section 199-7, Hawaii Revised Statutes; 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. 572, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 572, 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 (Riviere).

SCRep. 568 Water and Land on S.B. No. 791

The purpose and intent of this measure is to:

(1) Clarify removal of unauthorized vessels on state property or in the waters of the State;

- (2) Clarify the definition of an "abandoned vessel";
- (3) Reduce the time limit to claim an unauthorized vessel that is impounded by the Department of Land and Natural Resources (DLNR) from thirty days to ten working days;
- (4) Reduce 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) Clarify auction requirements regarding abandoned vessels; and
- (7) Allow DLNR to charge an impound storage fee.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Hawaii Reef and Ocean Coalition.

Your Committee finds that existing law requires DLNR to provide a seventy-two-hour notice of intent to impound an unauthorized, abandoned, grounded, or derelict vessel before being able to take control of the vessel. However, in some instances, the condition of the vessel rapidly deteriorates, requiring additional labor, increased risks to health and public safety, and additional costs to remove and impound the vessel. This measure shortens the time-period for DLNR to respond and remove abandoned vessels to help protect reefs and maintain ocean health.

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. 791, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 791, 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 (Riviere).

SCRep. 569 Water and Land on S.B. No. 795

The purpose and intent of this measure is to amend the various fees that the Department of Land and Natural Resources may charge for the usage of state small boat harbors and amend the way those fees are applied.

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; PacWhale Eco-Adventures; Maui Classic Charters; Sailing Maui Inc.; Kapalua Kai Sailing, Inc.; Crystal Seahorse, Ltd.; Trilogy Excursions; Sea Paradise Scuba, Inc.; Calypso Charters; Alii Nui Charters; and one individual.

Your Committee finds that the Department of Land and Natural Resource's Division of Boating and Ocean Recreation has identified approximately \$300,000,000 in deferred maintenance at small boat harbors and boating facilities statewide. Implementing the fees as prescribed in this measure would allow the Department of Land and Natural Resources to collect appropriate fee amounts if an operator attempts to circumvent the gross receipt collection method. The fees collected would go towards funding upgrades to state small boat harbor facilities resulting in improved sanitation and maintenance of small boat harbors.

Your Committee has heard concerns that the \$3 per passenger fee will be far greater than three percent of gross receipts for a large number of operators who are struggling to survive and there is no recourse for harbor users to dispute the fees established by appraisal.

Your Committee has amended this measure by:

- (1) Reducing the passenger fee from \$3 to \$1.50; 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. 795, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 795, 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 (Riviere).

SCRep. 570 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 1278

The purpose and intent of this measure is to:

- (1) Amend the definitions of "benefit year" and "week" for the purposes of unemployment insurance;
- (2) Conform the method of filing claims for partial unemployment benefits to those for total or part-total unemployment benefits;
- (3) Provide relief to certain reimbursable employers with regard to unemployment benefit reimbursement payments;
- (4) Set the employer contribution rate schedules at schedule D for the purposes of determining the amount of employer contributions to the State Unemployment Compensation Trust Fund (UCTF) for calendar years 2021 and 2022; and
- (5) Require the Director of Labor and Industrial Relations to modify the annual contribution rate computation for all employers for calendar years 2021 and 2022, by omitting from the calculation, benefits charged against their accounts to address the disruptions caused by the coronavirus disease 2019 (COVID-19) pandemic.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations; Accor Management US Inc. dba Fairmont Orchid, Hawai'i; Castaway Construction & Restoration LLC; Chamber of Commerce of Hawaii; Contract Furnishers of Hawaii, Inc. dba Office Pavillion; Engineering & Inspections Hawaii, Inc.; Fun Factory, Inc.; Gray, Hong, Nojima & Associates, Inc.; Hawai'i Farm Bureau; Hawaii Food Industry Association; Hawai'i Primary Care Association; Hawai'i Restaurant Association; Hawai'i Lodging & Tourism Association; Hawaiian Humane Society; Island Plastic Bags, Inc.; Healthy's, Inc. dba Down to Earth Organic and Natural; Kohala Coast Resort Association; Kona-Kohala Chamber of Commerce; Lanikai Brewing Company, LLC; Maui Adventure Group, Inc. dba The Snorkel Store; Maui Distributors, Inc.; NAIOP Hawaii; Pacific Mirror and Glass LLC; Parents And Children Together; Retail Merchants of Hawaii, Inc.; Society for Human Resource Management (Hawaii Chapter) and three individuals. Your Committees received testimony in opposition to this measure from the Building Industry Association of Hawaii and Envisions Entertainment & Productions, Inc. Your Committees received comments on this measure from the Tax Foundation of Hawaii; Altres, Inc.; Ho'ala Salon and Spa; Maui Chamber of Commerce; Pono Kai Resort; ProService Pacific, LLC dba ProService Hawaii; Woo's Electrical LLC; and one individual.

Your Committees find that the COVID-19 pandemic created an unprecedented disruption in Hawaii's economy and increase in Hawaii's unemployment rate. Consequently, the UCTF, which had a reserve of \$607,500,000 as of November 2019, was depleted in June 2020. The State, to keep the UCTF afloat and continue payment of unemployment benefits, received a \$700,000,000 loan from the federal government as federal unemployment insurance advances under Title XII of the Social Security Act.

Your Committees find that each year, the Department of Labor and Industrial Relations calculates the UTCF contribution rate for employers based on the employer's actual experience — history pertaining to the employer's contributions into the UCTF and benefits paid out to former employees therefrom — and one of eight statutory contribution rate schedules (A through H) that is in effect for the year determined by the overall health of UCTF. Under existing law, depletion of the UTCF prompts the application of Schedule H, which is the highest statutory rate, to the computation for 2021, at a time when employers can least afford the increase.

Therefore, your Committees find that timely relief is necessary to support Hawaii's struggling employers and expedite the State's economic recovery from the disruptions caused by COVID-19. This measure, by reducing the applicable employer contribution rate to Schedule D and requiring the Department of Labor and Industrial Relations to omit certain COVID-19 pandemic-related benefits charged to employer accounts when calculating their annual experience rating for calendar years 2021 and 2022, will significantly reduce Hawaii employers' annual contribution into the UTCF. This measure will also provide relief to certain reimbursable employers. Your Committees believe this measure provides the necessary relief to Hawaii employers while minimizing the long-term impact on the health of the UCTF.

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. 1278, H.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. Labor, Culture and the Arts: Ayes, 5. Noes, none. Excused, none. Ways and Means: Ayes, 8. Noes, none. Excused, 3 (Kidani, Shimabukuro, Wakai).

SCRep. 571 Ways and Means on S.B. No. 662

The purpose and intent of this measure is to encourage efficacy in the State's income taxation system by requiring new income tax credits to include a five-year sunset provision or a gradual reduction over a three-year period.

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

Your Committee finds that the impact of changes to the state tax code are not always apparent at the time that the change is first enacted. Specifically, it is often difficult to precisely predict how effectively a new income tax credit may accomplish its policy goal or what adverse impact the tax credit may have on the State's ability to collect revenue. Accordingly, this measure requires that any income tax credit established or renewed after December 31, 2021, either expire after five years or be reduced by one third each year after the fifth year of the credit.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 662, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (Moriwaki).

SCRep. 572 Ways and Means on S.B. No. 668

The purpose and intent of this measure is to rename the agricultural development and food security special fund.

More specifically, this measure:

- (1) Renames the agricultural development and food security special fund as the land, aquaculture, freshwater, or sea-based food development and food security special fund;
- (2) Allows for the use of moneys in the special fund for the awarding of grants to commercial fishermen; and
- (3) Expands the scope of the special fund to include uses related to land-, aquaculture-, freshwater-, or sea-based food production.

Your Committee received written comments in support of this measure from the Hawaii Farm Bureau, Hawaii Longline Association, and United Fishing Agency.

Your Committee received written comments on this measure from the Department of Agriculture.

Your Committee finds that expanding the scope of the agricultural development and food security special fund to include uses related to land-, aquaculture-, freshwater-, or sea-based food production is an effective way to support the growth of these food production industries in the State.

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. 668, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 668, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 573 Ways and Means on S.B. No. 1412

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist HK Management, LLC, a Hawaii limited liability company, with planning, constructing, renovating, acquiring, equipping, and improving surf industry center facilities at Honokea Surf Village.

Your Committee received written comments in support of this measure from HK Management, LLC, and numerous individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance and Hawaii Community Development Authority.

Your Committee finds that the surf industry center facilities at Honokea Surf Village are expected to generate income for the State, significantly advance Hawaii's surf and film industries, and create more than two hundred jobs on state lands.

Your Committee has amended this measure by replacing its contents with the contents of S.B. No. 963, which are substantively the same as S.B. No. 1412, S.D. 1, but with nonsubstantive, technical changes.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1412, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1412, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 574 Ways and Means on S.B. No. 1413

The purpose and intent of this measure is to promote the accurate, appropriate, and authentic use of the Hawaiian language.

Specifically, the measure:

- Requires specified state officials to prominently display a Hawaiian language translation of the name of their respective office or department on official websites and letterheads;
- (2) Requires all letterheads, documents, symbols, and emblems of the State and other political subdivisions that include Hawaiian names or words to include accurate and appropriate Hawaiian names, spelling, and punctuation;
- (3) Establishes references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation; and
- (4) Clarifies 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 names and words shall not invalidate the documents, or render them unenforceable, and no cause of action shall arise accordingly.

Your Committee received written comments in support of this measure from the Hawaii Civil Rights Commission, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Halau Ku Mana Public Charter School, and three individuals.

Your Committee finds that requiring the inclusion of accurate and appropriate Hawaiian names, spelling, and punctuation in various forms of state communications will help to effectuate the State's constitutional mandate to promote Hawaiian culture, history, and language.

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. 1413, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1413, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 575 Ways and Means on S.B. No. 179

The purpose and intent of this measure is to transfer operational authority over certain portions of the East Kauai Irrigation System to the Department of Agriculture.

Specifically, this measure:

- (1) Provides that the portions of the system to be transferred are those portions operated and maintained by the East Kauai Water Users' Cooperative as of December 14, 2020;
- (2) Provides that the relevant portions of the system shall be under the operational authority of the Department of Agriculture until the adoption of rules pursuant to chapter 91, Hawaii Revised Statutes, or until a determination is made that the system can be appropriately operated and maintained pursuant to chapters 167 and 168, Hawaii Revised Statutes;
- (3) Contingent upon the East Kauai Irrigation System becoming a state irrigation system, establishes certain employment positions within the Department of Agriculture's Agricultural Resource Management Division; and
- (4) Appropriates \$500,000 for fiscal years 2021-2022 and 2022-2023 for the operations and maintenance of the East Kauai Irrigation System.

Your Committee received written comments in support of this measure from the Department of Agriculture; Department of Land and Natural Resources; County of Kauai; Hawaii Farm Bureau; Kalepa Koalition; Larry Jefts Farms, LLC; Saiva Siddhanta Church; Ulupono Initiative; and two individuals.

Your Committee received written comments in opposition to this measure from two individuals.

Your Committee received written comments on this measure from the East Kauai Water Users' Cooperative.

Your Committee finds that the East Kauai Irrigation System includes two reservoirs and twenty-two miles of ditch, and currently services more than twelve thousand five hundred acres of agricultural land, including more than one thousand acres of the state Kalepa lands located between Kapaa and Lihue.

Your Committee further finds that the Department of Land and Natural Resources currently has oversight of the irrigation system. However, the department does not have the resources or expertise to function as a water delivery provider, as its mission is the management and protection of natural, cultural, recreational, and historical resources.

Your Committee further finds that the East Kauai Water Users' Cooperative no longer manages and operates certain portions of the system. Accordingly, the Department of Agriculture's assumption of those operational responsibilities will ensure the ongoing operation of the system and the system's support of local agriculture.

Your Committee has amended this measure by:

- (1) Clarifying that the relevant portions of the East Kauai Irrigation System are those portions operated and maintained by the East Kauai Water Users' Cooperative before December 15, 2020;
- (2) Clarifying that a qualifying event for the discontinuation of certain actions would be the Board of Agriculture's adoption of administrative rules for irrigation water development and irrigation and water utilization with respect to the East Kauai Irrigation System;
- (3) Changing the appropriation from \$500,000 to an unspecified amount;
- (4) Providing that the funds appropriated by the measure shall not be expended if the East Kauai Irrigation System does not become a state irrigation system under the Department of Agriculture;
- (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. 179, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 179, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Shimabukuro, Taniguchi).

SCRep. 576 Ways and Means on S.B. No. 1179

The purpose and intent of this measure is to facilitate funding for the Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources.

Specifically, the measure:

- (1) Allocates a portion of the conveyance tax revenues to the conservation and resources enforcement special fund; and
- (2) Authorizes the conservation and resources enforcement special fund to be used for permanent and temporary staff positions for the conservation and resources enforcement program.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and League of Women Voters of Hawaii.

Your Committee finds that the Division of Conservation and Resources Enforcement has one of the lowest per-person rates of state funding compared to all other state wildlife agencies. Your Committee further finds that the Division is short-staffed and underfunded. Accordingly, your Committee finds that the Division needs appropriate funding to fulfill its mission, especially in light of the recent reduction of funds allocated to the Division due to the coronavirus 2019 pandemic.

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. 1179, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1179, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 577 Ways and Means on S.B. No. 935

The purpose and intent of this measure is to transfer the Office of Aerospace Development from the Department of Business, Economic Development, and Tourism to the Hawaii Technology Development Corporation and to transfer the functions of the Pacific International Space Center for Exploration Systems to the Office of Aerospace Development.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Hawaii Technology Development Corporation; Department of Business, Economic Development, and Tourism; and Pacific International Space Center for Exploration Systems.

Your Committee finds that the expertise of the Hawaii Technology Development Corporation, particularly in the field of commercial technology, may help to guide a unified aerospace office to more effectively develop and expand the aerospace industry in Hawaii.

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. 935, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 935, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 578 Ways and Means on S.B. No. 1109

The purpose and intent of this measure is to establish a State Disaster Recovery Program overseen by the State Disaster Recovery Coordinator.

Your Committee received written comments in support of this measure from the Office of the Governor, Office of Planning, Hawaii State Energy Office, and Hawaii Emergency Management Agency.

Your Committee finds that disaster recovery operations, which begin shortly after a disaster occurs, are complex, time-consuming, and involve many individuals and agencies undertaking a wide range of actions. Disaster recovery requires both short—term restoration of necessary community functions and long-term planning and coordination. Your Committee recognizes that federal, state, and county agencies, as well as private organizations, contribute in these efforts to ensure public health and safety. Accordingly, your Committee believes that it is vital to align the response, recovery, and mitigation activities of all parties, and to enhance the capacity of these parties to coordinate their efforts and efficiently recover from disasters.

Your Committee has amended this measure by:

- (1) Replacing an incorrect reference to "federal disaster recovery" with a reference to "state disaster recovery";
- (2) Specifying that the Federal Disaster Recovery Coordinator is from the Federal Emergency Management Agency;
- (3) Specifying that the State Disaster Recovery Coordinator's report to the Legislature is due no later than twenty days prior to each applicable Regular Session;
- (4) Specifying that state and county agencies having recovery responsibilities shall maintain and update applicable recovery plans;
- (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. 1109, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1109, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 579 Ways and Means on S.B. No. 512

The purpose and intent of this measure is to expand the Double Up Food Bucks Program administered by the Hawaii Department of Agriculture.

Specifically, the measure:

- (1) Removes the \$10 per visit per day cap on the dollar-for-dollar match received by Supplemental Nutrition Assistance Program (SNAP) beneficiaries under the Hawaii Healthy Food Incentive Program, also known as the Double Up Food Bucks Program (DA BUX);
- (2) Specifies that healthy proteins are eligible purchases under the program; and
- (3) Appropriates an unspecified amount of moneys to the Department of Agriculture to expand the Hawaii Healthy Food Incentive Program.

Your Committee received written comments in support of this measure from the Department of Agriculture; Department of Health; Department of Human Services; Department of Community Services of the City and County of Honolulu; Office of Economic Revitalization of the City and County of Honolulu; Hawaii Medical Service Association; Hawaii Food Industry Association; The Chamber of Commerce Hawaii; Hawaii Association of Health Plans; Hawaii Alliance for Community-Based Economic Development; Malama Kauai; Land Use Research Foundation of Hawaii; Lanakila Meals on Wheels; AARP Hawaii; American Heart Association; Aloha Harvest; Sierra Club of Hawaii; Kamehameha Schools; Hawaii Public Health Institute; 350Hawaii; Ulupono Initiative; Hawaii Children's Action Network Speaks!; The Food Basket Inc., Hawaii Island's Food Bank; Kaiser Permanente; Hawaii Farm Bureau; AlohaCare; Ohana Health Plan; Blue Zones Project; Hawaii Primary Care Association; Early Childhood Action Strategy; Hawaii Community Foundation; Local Food Coalition; Catholic Charities Hawaii; Parents And Children Together; Hawaii Pacific Health; Pono Hawaii Initiative; Hawaii Alliance for Progressive Action; Hawaii Cattlemen's Council; Hawaii Foodbank; and numerous individuals.

Your Committee finds that the measure's expansion of the Double Up Food Bucks Program will help to increase SNAP beneficiaries' access to fresh and healthy dietary options, further defray the high cost of healthy eating, and support the efforts of the agricultural industry, which has been adversely impacted by the ongoing coronavirus disease 2019 pandemic.

Your Committee has amended this measure by:

- (1) Removing the appropriation 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. 512, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 512, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 580 Ways and Means on S.B. No. 1121

The purpose and intent of this measure is to exempt from general excise taxes housing developed by the Department of Hawaiian Home Lands so that the department may more fully commit its funding toward fulfilling its mission of developing housing.

Your Committee received written testimony in support of this measure from the Department of Taxation, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, and Hawaiian Affairs Caucus of the Democratic Party of Hawaii.

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

Your Committee finds that this measure would save the Department of Hawaiian Home Lands more than \$9,500,000 in general excise taxes for four large-scale development projects that are currently underway. Your Committee further finds that the general excise tax savings that accrue from this measure can be applied to the development of additional housing and associated infrastructure, allowing the Department of Hawaiian Home Lands to more fully commit its funding toward its mission.

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. 1121, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1121, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 581 Ways and Means on S.B. No. 225

The purpose and intent of this measure is to promote transit-oriented development.

More specifically, this measure:

- (1) Specifies that the cost of regional infrastructure improvements made by the Hawaii Housing Finance and Development Corporation may be assessed against transit-oriented development projects specifically benefiting from the improvements; and
- (2) Requires 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.

Your Committee received written comments in support of this measure from the Office of Planning, Hawaii Housing Finance and Development Corporation, Hawaii Interagency Council for Transit-Oriented Development, and Coral Fish Hawaii/Hawaii Sustainable Reef Fisheries

Your Committee finds that the cost of off-site infrastructure is a major barrier to the achievement of transit-oriented development potential statewide. Your Committee believes that this measure would help to facilitate state investment in needed transit-oriented development infrastructure by allowing the Hawaii Housing Finance and Development Corporation to recover costs to help offset the significant costs of regional infrastructure.

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. 225, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 225, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 582 Ways and Means on S.B. No. 339

The purpose and intent of this measure is to provide incentives to landowners and farmers to continue agricultural operations on agricultural lands.

Specifically, this measure:

- (1) Extends the time that the Department of Agriculture may certify the important agricultural land qualified agricultural cost tax credit from December 31, 2021, to December 31, 2030; and
- (2) Provides that a taxpayer may claim the important agricultural land qualified agricultural cost tax credit in the third taxable year after application for first-year certification of the credit.

Your Committee received written comments in support of this measure from the Department of Agriculture; Agribusiness Development Corporation; Office of Planning; Carpenter & Carpenter, Inc.; Ulupono Initiative; Hawaii Crop Improvement Association; Hawaii Farm Bureau; Land Use Research Foundation of Hawaii; Kamehameha Schools; 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 the important agricultural land qualified agricultural cost tax credit provides an important incentive to farmers to keep agricultural lands in productivity, thereby increasing the State's food security, sustainability, and economic diversity. Your Committee further finds that this measure will help to ensure that the State's most important agricultural lands remain available for future generations of Hawaii's farmers.

Your Committee has amended this measure by:

- (1) Clarifying that a taxpayer may first claim the tax credit no earlier than in the third taxable year after the taxable year during which the taxpayer applied to the Department of Agriculture for first-year certification of the tax credit;
- (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. 339, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 339, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 583 Ways and Means on S.B. No. 60

The purpose and intent of this measure is to authorize the issuance to any registered owner of an electric vehicle special number plates to commemorate the Polynesian Voyaging Society.

More specifically, this measure:

- (1) Authorizes the Director of Finance of each county to issue, for use on electric vehicles, special number plates to commemorate the Polynesian Voyaging Society;
- (2) Requires the Director of Finance of the City and County of Honolulu to design the special number plates, based on certain guidelines;
- (3) Requires the Director of Finance of each county to charge a special number plate fee and fundraising fee, and authorizes the Director to charge an additional fundraising fee; and
- (4) Provides that the revenue generated by the fundraising fees be deposited in the name of the Polynesian Voyaging Society in each county's budget accounts.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office, Polynesian Voyaging Society, and numerous individuals.

Your Committee received written comments on this measure from one individual.

Your Committee finds that the issuance of special number plates commemorating the Polynesian Voyaging Society is an effective way to support both the adoption of electric vehicles throughout the State and the Polynesian Voyaging Society's efforts to perpetuate the art and science of traditional Polynesian voyaging and the spirit of exploration.

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 Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 60, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 60, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 584 Ways and Means on S.B. No. 855

The purpose and intent of this measure is to extend the lifespan and clarify the provisions of the Department of Agriculture's pesticide subsidy program to mitigate the damage caused by coffee pests.

More specifically, this measure:

- (1) Extends the sunset date of the pesticide subsidy program to June 30, 2023;
- (2) Provides that no single coffee grower shall receive more than:
 - (A) \$600 per year in subsidies for coffee berry borer control; and
 - (B) \$600 per year in subsidies for coffee leaf rust control,

per acre of land in coffee production;

- (3) Provides that no single coffee grower shall receive more than a total of \$12,000 per year in subsidies between June 30, 2021, and July 1, 2023;
- (4) Requires the Department of Agriculture to compile a list of certain pesticides;
- (5) Extends the sunset date of the pesticide subsidy program manager position, including the position's exemption from civil service and collective bargaining laws, to June 30, 2024; and
- (6) Requires the Department of Agriculture to submit a report to the Legislature twenty days prior to the convening of the Regular Session of 2023.

Your Committee received written comments in support of this measure from the Department of Agriculture; Hawaii Coffee Association; and MauiGrown Coffee, Inc.

Your Committee finds that extending the coffee berry borer pesticide subsidy program and program manager position will allow the Department of Agriculture to continue supporting the efforts of Hawaii's coffee growers to control the effects of, and mitigate damages from, the coffee berry borer and coffee leaf rust.

Your Committee has amended this measure by:

- (1) Inserting a definition to clarify that the term "department" means the Department of Agriculture;
- (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. 855, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 855, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 585 Ways and Means on S.B. No. 1402

The purpose and intent of this measure is to require the Department of Transportation to establish various motor vehicle, bicycle, and pedestrian highway networks throughout the State.

More specifically, this measure:

- (1) Requires the planning for, and establishment of, motor vehicle, bicycle, and pedestrian highway networks throughout the State;
- (2) Requires the Department of Transportation to plan for, establish, and, if applicable, ensure that each county plans for and establishes, inter-community bicycle and pedestrian networks and pedestrian exercise and active health pathways;
- (3) Establishes goals and metrics to guide the Department of Transportation in its planning and establishment of these networks and pathways; and

(4) Requires the Department of Transportation to submit an annual report to the Legislature.

Your Committee received written comments in support of this measure from the Department of Health, Department of Transportation, Hawaii Climate Change Mitigation and Adaptation Commission, Hawaii State Energy Office, Office of Planning, AARP Hawaii, AlohaCare, American Heart Association, Blue Planet Foundation, Hawaii Bicycling League, Hawaii Public Health Institute, Ulupono Initiative, Young Progressives Demanding Action, and two individuals.

Your Committee finds that the establishment of separate motor vehicle, bicycle, and pedestrian highway and pathway networks throughout the State is an effective way to decrease the public's reliance on personal motor vehicles, reduce the cost of transportation, and improve public health.

Your Committee has amended this measure by:

- (1) Designating the new sections to be added to Chapter 264, Hawaii Revised Statutes, as a new part to that chapter;
- (2) Inserting a definition of "department";
- (3) Requiring the Department of Transportation to coordinate with each applicable county to develop a comprehensive plan regarding the establishment of certain bicycle and pedestrian pathways within communities;
- (4) Clarifying certain goals that the Department of Transportation is required to endeavor to achieve when planning, designing, and implementing ground transportation infrastructure for certain projects;
- (5) Clarifying the Department of Transportation's applicable reporting requirements;
- (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. 1402, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1402, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 586 Ways and Means on S.B. No. 1091

The purpose and intent of this measure is to help address the state budget shortfall caused by the coronavirus disease 2019 (COVID-19) pandemic by transferring or authorizing the transfer of moneys in certain special or revolving funds.

Specifically, this measure:

- Authorizes the transfer of moneys from the land conservation fund to the general fund and replaces the moneys with proceeds from general obligation bond proceeds;
- (2) Authorizes the transfer of moneys from the rental housing revolving fund to the dwelling unit revolving fund; and
- (3) Transfers to the general fund moneys from the emergency medical services special fund and cigarette tax stamp administrative special fund.

Your Committee received written comments in support of this measure from the Department of Taxation, Department of Budget and Finance, Department of Health, and Hawaii Housing Finance and Development Corporation.

Your Committee received written comments on this measure from the Department of Land and Natural Resources, Tax Foundation of Hawaii, and The Trust for Public Land.

Your Committee finds that transferring excess moneys from certain special and revolving funds to the general fund is a prudent approach to address the budget shortfall brought about by the COVID-19 pandemic and will help to minimize any necessary tax increases or reductions in government services.

Your Committee has amended this measure by:

- (1) Appropriating to the general fund the following sums:
 - (A) An additional \$29,763 from the cigarette tax stamp administrative special fund, which increases the appropriation from that fund to \$1,029,763;
 - (B) \$317,711 from the state archives preservation and long-term access special fund;
 - (C) \$200,000 from the criminal forfeiture revolving fund;
 - (D) \$50,000 from the DNA registry special fund;
 - (E) \$140,000 from the internet crimes against children special fund;
 - (F) \$150,000 from the notaries public revolving fund;
 - (G) \$600,000 from the criminal records improvement revolving fund;
 - (H) \$280,877 from the state disaster revolving fund;
 - (I) \$483,723 from the foreign-trade zone special fund;

- (J) \$14,355 from the general support for health care payments special fund;
- (K) \$56,000 from the dietitian licensure special fund;
- (L) \$1,350 from the human trafficking victim special fund;
- (M) \$420,257 from the bureau of conveyances special fund;
- (N) \$590,000 from the water and land development special fund;
- (O) \$236,011 from the special land and development fund;
- (P) \$68,165 from the Hawaii historic preservation special fund;
- (Q) \$500,000 from the automated victim information and notification system special fund; and
- (R) \$2,617,063 from the tax administration special fund;
- (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. 1091, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1091, 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, 1 (Shimabukuro).

SCRep. 587 Ways and Means on S.B. No. 1203

The purpose and intent of this measure is to make amendments to title 14, Hawaii Revised Statutes, to simplify and streamline administration of the State's tax laws.

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 makes nonsubstantive, technical amendments for purposes of correcting errors, clarifying language, or deleting obsolete or unnecessary provisions.

Your Committee has amended this measure by:

- (1) Changing the text of section 235-23.5(a)(1), Hawaii Revised Statutes, to correspond to the printed version of the Hawaii Revised Statutes;
- (2) Inserting a new part to amend section 235-45, Hawaii Revised Statutes, and repeal section 257-10, Hawaii Revised Statutes, to delete cross-references to sections of the Hawaii Revised Statutes that are repealed by 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. 1203, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1203, 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, 1 (Shimabukuro).

SCRep. 588 (Joint/Majority) Judiciary and Ways and Means on S.B. No. 981

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 percent of the expenditure limit established for each election;
- (2) Amend the amount each Office of Hawaiian Affairs candidate must raise to qualify for public funds; and
- (3) 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 Committees received testimony in support of this measure from Common Cause Hawaii and League of Women Voters of Hawaii. Your Committees received comments on this measure from the Department of the Attorney General, Office of Hawaiian Affairs, Office of Elections, and Campaign Spending Commission.

Your Committees find 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 yet they are provided substantially less partial public funding than other statewide candidates. Your Committees further find 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 to ensure that all candidates are properly listed, which corresponds to the voting position for the vote counting system. This measure will increase the partial public funding expenditure limit and maximum amount of public funds available for candidates for the Board of Trustees and mitigates any advantage that may arise

from the order of candidate names on the ballot by requiring that the names of candidates for the Board of Trustees of the Office of Hawaiian Affairs be placed in random order on the ballot.

Your Committees have amended this measure by:

- (1) Re-inserting fifteen percent as the maximum amount of public funds available to candidates running for the office of State Senator, State Representative, and County Council and inserting fifteen percent as the maximum amount of public funds available to candidates running for the Board of Trustees of the Office of Hawaiian Affairs;
- (2) Clarifying that the requirement that candidates be placed on the ballot in random order applies only to candidates for the Board of Trustees of the Office of Hawaiian Affairs:
- (3) Inserting an effective date of May 6, 2137, to encourage further discussion; 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 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. 981, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 981, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Inouye). Noes, 1 (Kidani). Excused, 1 (Taniguchi).

SCRep. 589 (Joint) Ways and Means and Judiciary on S.B. No. 891

The purpose and intent of this measure is to amend laws relating to Hawaiian home lands.

Specifically, the measure:

- (1) Inserts certain definitions relating to beneficiary consultation into the Hawaiian Homes Commission Act, 1920;
- (2) Requires five of the nine members of the Hawaiian Homes Commission to be:
 - (A) At least one-fourth Hawaiian; and
 - (B) Beneficiaries of the trust who are on the waitlist for Hawaiian home lands at the time of their appointment;
- (3) Requires the Department of Hawaiian Home Lands to distribute quarterly reports to Hawaiian home lands beneficiaries, registered homestead associations, and the Legislature regarding land dispositions, lease cancellations, and trust fund receipts and expenditures;
- (4) Authorizes the Governor to establish an inter-agency council to address the purposes of the Hawaiian Homes Commission Act, 1920;
- (5) Requires the Department of Hawaiian Home Lands to include an accounting of expenditures made pursuant to Act 14, Special Session Laws of Hawaii 1995, in its annual report on the Hawaiian home lands trust fund;
- (6) Requires the Department of Hawaiian Home Lands to develop and implement a loan servicing manual;
- (7) Authorizes the Department of Hawaiian Home Lands to retain independent legal counsel;
- (8) Excludes attorneys employed by the Department of Hawaiian Home Lands from the general provision that full-time departmental attorneys shall be deputy attorneys general; and
- (9) Requires the Legislative Reference Bureau to conduct a study on the implications of creating a position for the Director of Hawaiian Home Lands that is separate from the Chairperson of the Hawaiian Homes Commission.

Your Committees received written comments in support of this measure from a member of the Kauai County Council.

Your Committees received written comments in opposition to this measure from the Department of the Attorney General.

Your Committees received written comments on this measure from the Department of Hawaiian Home Lands and the Legislative Reference Bureau.

Your Committees find that the Hawaiian Homes Commission Act, 1920, enables native Hawaiian beneficiaries to access state lands to improve and perpetuate self-sufficiency and cultural preservation. Your Committees believe that the Department of Hawaiian Home Lands and Hawaiian Homes Commission should be governed in ways that ensure their accountability and fulfill their duties toward the preservation of beneficiaries' values, traditions, culture, and self-sufficiency.

Your Committees recognize that the Department of Hawaiian Home Lands currently prepares monthly reports for the Hawaiian Homes Commission and completes an annual independent and financial agency audit. Your Committees believe, however, that a quarterly report on land dispositions, lease cancellations, and trust fund receipts will increase transparency for the department's beneficiaries.

Your Committees also find that the Department of Hawaiian Home Lands has an extensive lease cancellation process. Your Committees believe that requiring the Department of Hawaiian Home Lands to develop and implement a loan servicing manual would enhance its efforts to assist distressed beneficiaries who are facing lease cancellation.

Your Committees have amended this measure by:

- (1) Deleting certain definitions relating to beneficiary consultations and inserting substantive provisions that establish standards and requirements for beneficiary consultations;
- 2) Providing that the five members who are required to have Hawaiian ancestry to serve as members of the Hawaiian Homes Commission shall either be:
 - (A) At least one-fourth Hawaiian; or
 - (B) Beneficiaries of the trust who are on the waitlist for Hawaiian home lands at the time of their appointment;
- (3) Authorizing the Hawaiian Homes Commission to recommend to the Governor the establishment, membership, and other specifics regarding an inter-agency council, and authorizing the Governor to establish the council based on the Commission's recommendation:
- (4) Requiring the Legislative Reference Bureau, in conducting its study, to assume, among other matters, that:
 - (A) The Governor shall appoint the Director of Hawaiian Home Lands; and
 - (B) The Director of Hawaiian Home Lands would not be eligible to be considered as the Chairperson of the Hawaiian Homes Commission;
- (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 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. 891, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 891, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 2 (English, Taniguchi).

Judiciary: Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 590 Judiciary on S.B. No. 402

The purpose and intent of this measure is to:

- (1) Require reporting of expenditures by candidate committees made to reimburse individuals other than the candidate for expenditures advanced by those individuals, in addition to reimbursements to the candidate; and
- (2) Delete "candidate reimbursements" from the category of expenditures that noncandidate committees must itemize in their report.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and Common Cause Hawaii.

Your Committee finds that under existing law, only reimbursements to candidates are required to be itemized in candidate committee reports. Your Committee further finds that in many instances, individuals other than the candidate are being reimbursed for campaign costs advanced by those individuals. Your Committee additionally finds that requiring reimbursements to those other individuals to be itemized is consistent with the policy goals of the States' campaign finance law.

Your Committee also finds that, under section 11-335(b), Hawaii Revised Statutes, noncandidate committees are prohibited from receiving or making loans. Thus, noncandidate committees should not be required to report reimbursements to candidates.

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. 402 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, 7. Noes, none. Excused, none.

SCRep. 591 Judiciary on S.B. No. 548

The purpose and intent of this measure is to amend elections laws to clarify the administration of elections by mail by:

- (1) Renaming districts as precincts;
- (2) Extending voter registration deadlines;
- (3) Requiring additional voter service centers on election day; and
- (4) Repealing election days as designated state holidays.

Your Committee received testimony in support of this measure from the Office of Elections, Office of the County Clerk of the County of Kaua'i, Disability and Communication Access Board, LGBT Caucus of the Democratic Party of Hawai'i, League of Women Voters of Hawaii, National Federation of the Blind of Hawaii, Common Cause Hawaii, AARP Hawai'i, Sierra Club of Hawai'i, Community Alliance on Prisons, and ten individuals. Your Committee received testimony in opposition to this measure from three individuals. Your Committee received comments on this measure from the Elections Division of the City and County of Honolulu, Office of the County Clerk of the County of Hawai'i, and one individual.

Your Committee finds that Act 136, Session Laws of Hawaii 2019, provided that all elections statewide were to be conducted by mail beginning with the 2020 primary election. Your Committee further finds that although the administration of elections by mail in the State has been generally successful, further refinement and clarification of election law is required.

Your Committee has amended this measure by:

- (1) Deleting language that removed elections days as state holidays;
- (2) Requiring a minimum of four precincts in each representative district and a minimum of one precinct on each inhabited island with at least one hundred residents;
- (3) Establishing voters with special needs advisory committees at the State and county level;
- (4) Requiring the Department of Public Safety to inform persons on probation or parole that they have the right to vote and to provide them with information on how to register and vote;
- (5) Allowing registrants to state that they cannot read standard print due to a disability and are requesting an electronic ballot be sent via email on the voter registration affidavit;
- (6) Requiring ballot packages to be mailed so that they arrive at least eighteen days before an election instead of approximately eighteen days before an election and exempting the State and counties from liability if the ballot packages are received fewer than eighteen days before an election;
- (7) Requiring ballot deficiencies to be cured within five business days instead of seven calendar days;
- (8) Allowing ballot tabulation to begin on the eighteenth day before an election instead of the tenth day;
- (9) Adding areas designated for voters waiting to vote at voter service centers and places of deposit to the areas near which campaign activities are prohibited;
- (10) Requiring the Office of Elections and the county clerks to make a determination as soon as practicable of the optimal number and placement of voter service centers and places of deposit; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 548, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 548, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Lee).

SCRep. 592 Judiciary on S.B. No. 1387

The purpose and intent of this measure is to require dog and cat owners to microchip their pets, if the pets are not licensed.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Poi Dogs & Popoki, American Bird Conservancy, Hawaii Association of Animal Welfare Agencies, and three individuals. Your Committee received testimony in opposition to this measure from Neighborhood Cats, The Libertarian Party of Hawaii, Best Friends Animal Society, and one individual.

Your Committee finds that microchip identification is the single most effective way of returning lost pets to their owners. A microchip is about the size of a grain of rice and, once implanted beneath the pet's skin between the shoulders, it can be scanned and then used to find the owner's contact information in a registry. Found pets can be taken to a veterinary office, rescue organization or shelter, or even a pet store to have the pet checked for a microchip. Your Committee further finds that microchip identification can efficiently reunite lost pets with their owners and simultaneously minimize the adverse effects of lost and stray animals on communities and wildlife.

Your Committee has amended this measure by:

- Clarifying that the requirement that animal control contractors activate the found pet alert only applies if the pet is found and the owner is not present;
- (2) Placing the definitions of "microchip" or "microchip identification" and "owner" into the new statutory section;
- (3) Requiring licensing and microchips for dogs, but only microchips for cats;
- (4) Inserting an effective date of May 6, 2137, 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. 1387, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1387, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 593 Judiciary on S.B. No. 1327

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 Legislative Reference Bureau.

Your Committee received comments on this measure from the Contractors License Board.

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 or omissions or to repeal obsolete laws.

Your Committee has amended this measure by:

- (1) Deleting section 14 of this measure and the amendment to section 444-26(b), Hawaii Revised Statutes, in section 16 of this measure to remove the amendments relocating the definition of "person injured" or "injured person" from section 444-26(b), Hawaii Revised Statutes, to section 444-1, Hawaii Revised Statutes; and
- (2) 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. 1327, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1327, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 594 Judiciary on S.B. No. 834

The purpose and intent of this measure is to establish the felony offense of importation, sale, or possession of a childlike sex doll.

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, Hoʻola Na Pua, and two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the widespread availability of childlike sex dolls enables the exploitation, objectification, abuse, and sexual assault of minors. Childlike sex dolls are designed to look and feel as lifelike as possible. The legislature recognizes that possession of a childlike sex doll correlates with other offenses perpetrated against children. This measure will help protect minors from the harm associated with childlike sex dolls by establishing the felony offense of importation, sale, or possession of a childlike sex doll

Your Committee has amended this measure by amending the definition of "childlike sex doll" to be consistent with language in other sections of the Hawaii Revised Statutes.

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. 834, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 834, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 595 Judiciary on S.B. No. 714

The purpose and intent of this measure is to clarify that the rights of publicity includes the rights of individuals who died prior to the enactment of the Hawaii Publicity Rights Act.

Your Committee received testimony in support of this measure from SAG-AFTRA Hawaii Local, Hawaii Academy of Recording Arts, one member of the Honolulu City Council, and thirteen individuals.

Your Committee finds that the Hawai'i Publicity Rights Act (HPRA), was enacted on July 15, 2009, to recognize the existence of the right of publicity, which is a property right in the commercial use of one's name, voice, signature, likeness, and other commercially valuable attributes. Your Committee further finds that the Legislature's intent in enacting the HPRA in 2009 was to recognize the right of publicity held by all persons, living and dead, including those who predeceased the enactment of the HPRA. This measure will clarify that the HPRA applies retroactively to protect the publicity rights of individuals who died prior to the date of its enactment.

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. 714, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 714, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 596 Judiciary on S.B. No. 630

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 two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the costs associated with raising a child are extensive and persist for many years. Your Committee further finds that in the case of couples with children who are separated or divorced, these costs can be borne primarily by one of the parents. Your Committee additionally finds that unpaid child support obligations impose an unjust burden on parents who are the sole or primary caretaker of their child or children, and that if child support judgments expire over time, parents in arrears may be incentivized to avoid making payment.

Your Committee has amended this measure by:

- Clarifying that judgments for child support are enforceable until paid in full notwithstanding any other provision of law to the contrary; 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. 630, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 630, 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 (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 597 Judiciary on S.B. No. 566

The purpose and intent of this measure is to:

- (1) Increase the homestead exemption for all persons to \$2,000,000; and
- (2) Require that the exempted real property be the principal residence.

Your Committee received testimony in support of this measure from the Maui Brewing Co. and two individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Bankers Association and Hawaii Financial Services Association. Your Committee received comments on this measure from the Collection Law Section of the Hawaii State Bar Association.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic and the governmental responses to contain the spread of COVID-19 have precipitated an economic contraction on global, national, and local levels. Your Committee further finds that this contraction has dramatically increased the unemployed population in Hawai'i and resulted in a decline in income for almost half of the households in the State. Your Committee additionally finds that the percentage of persons who are not current on their mortgage loans more than doubled from 2019 to 2020. Your Committee also finds that, since the amount of the homestead exemption has not been adjusted since 1978, increasing it to better reflect the effects of inflation and the economic impacts of the pandemic will benefit homeowners in the State.

Your Committee has amended this measure by:

- (1) Changing the exemption amount from \$2,000,000 to \$350,000; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 566, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 566, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, 1 (Lee).

SCRep. 598 Judiciary on S.B. No. 406

The purpose and intent of this measure is to clarify that Campaign Spending Commission personnel includes staff and that the staff may initiate complaints on behalf of the Commission.

Your Committee received testimony in support of this measure from the Campaign Spending Commission. Your Committee received comments on this measure from Common Cause Hawaii.

Your Committee finds that the assistance of staff is valuable to the functions of the Campaign Spending Commission, including the initiation of the complaint process. Your Committee further finds that members of the Commission are appointed by the Governor from a list of nominees submitted by the Judicial Council, but that Commission staff are not subject to this appointment process.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that staff of the Campaign Spending Commission may initiate complaints but are not members of the Commission; 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. 406, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 406, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 599 Judiciary on S.B. No. 148

The purpose and intent of this measure is to require certain landlords, lessors, or plaintiffs in a summary possession action to provide proof of payment of taxes due to the State as a condition of the issuance of a writ of possession.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Hawaii Association of REALTORS. Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that under current law, it is possible for landlords in irregular landlord-tenant arrangements, such as work-for-room-and-board or rent-to-own arrangements, to take advantage of summary possession proceedings instead of foreclosure actions without paying the taxes required in normal long- or short-term lease situations. Your Committee acknowledges that tax returns indicate the amount of income reported and the amount of tax owed but do not indicate the actual source of income. However, your Committee further finds that demonstrating general excise tax licensure in good standing can be an indicator of compliance with state general excise tax laws in general.

Your Committee has amended this measure by:

- (1) Requiring only a general excise tax license in good standing as a condition to the issuance of a writ of possession; and
- (2) Inserting an effective date of May 6, 2137, 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. 148, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 148, 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 (Fevella). Noes, none. Excused, none.

SCRep. 600 Ways and Means on S.B. No. 819

The purpose and intent of this measure is to extend the hospital sustainability program.

Your Committee received written comments in support of this measure from the Department of Human Services, Healthcare Association of Hawaii, Hawaii Primary Care Association, Hawaii Pacific Health, and The Queen's Health Systems.

Your Committee finds that the hospital sustainability program is vital to preserve hospital access for Medicaid beneficiaries, especially as the State continues to face challenges from the coronavirus disease 2019 (COVID-19) pandemic and the recent recession. Your Committee notes that the program functions by levying a fee on participating providers, and that funds generated through the fee are used to draw down additional matching federal dollars, which are then distributed back to providers to help cover the difference between Medicaid reimbursements and Medicare reimbursements. Your Committee also finds that the funds generated from the fee will ensure that hospitals continue operations, help address budget constraints in the Medicaid program, and provide necessary funds that will help cover the program's budget shortfall without using moneys from the State's general fund.

Your Committee has amended this measure by:

- (1) Clarifying that children's hospitals, psychiatric hospitals, and rehabilitation hospitals may be assessed hospital sustainability fees at a different rate than other private hospitals;
- (2) Correcting language in a reference to section 346G-4(c), 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 S.B. No. 819, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 819, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 601 Ways and Means on S.B. No. 1018

The purpose and intent of this measure is to require the Department of Health to establish pilot projects to reorganize departmental divisions and offices.

Specifically, this measure requires the Department of Health to:

- (1) Establish four two-year pilot projects to reorganize the:
 - (A) Behavioral Health Services Administration;
 - (B) Environmental Health Administration;
 - (C) General administration, including the Office of the Director of Health; and
 - (D) Health Resources Administration;

- (2) Consult with the Department of Budget and Finance and the Department of Human Resources Development regarding the reorganization; and
- (3) Conduct the reorganization to make the department more cost-effective and to improve its ability to meet the needs of the community.

Your Committee received written comments in support of this measure from the Department of Health, Hawaii Psychological Association, and one individual.

Your Committee finds that reorganization will help the Department of Health to increase efficiency and more quickly respond to the needs of specific communities and the public in general.

Your Committee has amended this measure by:

- (1) Clarifying that the reorganization of the Department of Health will be a single pilot project, instead of four separate pilot projects;
- (2) Requiring the Department of Health to submit reports to the Legislature regarding the pilot project; 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. 1018, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1018, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 602 (Majority) Ways and Means on S.B. No. 1423

The purpose and intent of this measure is to provide the necessary powers, appropriations, and guidance to ensure optimal development of the Stadium Development District as intended by Act 268, Session Laws of Hawaii 2019, which established the Stadium Development District.

Specifically, this measure:

- (1) Establishes the stadium development district special fund;
- (2) Revises the general development guidance policies of the Stadium Development District and clarifies the respective roles of the Stadium Authority and Hawaii Community Development Authority in the development of the Stadium Development District:
- (3) Broadens the powers and duties of the Stadium Authority, including authorizing the Stadium Authority to acquire and hold title to real property;
- (4) Exempts the lands to which the Stadium Authority holds title from the definition of "public lands";
- (5) Authorizes the Hawaii Community Development Authority, with approval from the Governor, to delegate implementation of capital improvement projects to other state agencies, under certain conditions;
- (6) Adds two members to the Stadium Authority; and
- (7) Makes public the financial disclosures of members of the Stadium Authority, pursuant to section 84-17(d), Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services, Stadium Authority, Chamber of Commerce Hawaii, and BIA Hawaii.

Your Committee received written comments on this measure from the Department of Budget and Finance, League of Women Voters, Hawaii Community Development Authority, and one individual.

Your Committee finds that the State has the potential to establish the Stadium Development District as a premier destination for sports and events and a vital center for residential housing, retail, and other transit-oriented development. Your Committee also finds that this measure clarifies the roles and responsibilities of all agencies involved in the development of the Stadium Development District and provides a basis to advance the progress of the Stadium Development District.

Your Committee has amended this measure by:

- Establishing the stadium development special fund under Chapter 109, Hawaii Revised Statutes, instead of Chapter 206E, Hawaii Revised Statutes, into which all funds collected by the Stadium Authority after the effective date of the measure shall be deposited;
- (2) Authorizing the Stadium Authority to continue to encumber and expend any moneys that were deposited into the stadium special fund prior to the effective date of the measure until the remaining balance of the stadium special fund is depleted;
- (3) Providing for the closure of the stadium special fund after all remaining moneys in the stadium special fund are depleted;
- (4) Making the Stadium Authority, rather than the Hawaii Community Development Authority, the expending agency for the appropriation of general obligation bond proceeds;

- (5) Providing for the continued expenditure by the Stadium Authority of general obligation bond proceeds previously appropriated by Act 268, Session Laws of Hawaii 2019, as amended by Act 4, Session Laws of Hawaii 2020;
- (6) Authorizing the Hawaii Community Development Authority to use its special facilities powers under part VI of Chapter 206E, Hawaii Revised Statutes, to assist in the development of projects under the control of other public agencies;
- (7) Requiring the Stadium Authority and Hawaii Community Development Authority to enter into a memorandum of agreement regarding the implementation responsibilities of the respective agencies;
- (8) Making the appropriation of general obligation bond proceeds for fiscal year 2021-2022 effective on July 1, 2021; and
- (9) 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. 1423, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1423, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 603 Education on S.B. No. 76

The purpose and intent of this measure is to:

- (1) Require that the Board of Education prioritize for the superintendent of education position, candidates that have the minimum qualification of ten years of employment in a department of education with at least five of those years serving in the capacity as a principal or higher; and
- (2) Specify that a desired qualification for a candidate is having a working understanding of the State's tri-level system of educational administration.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that Hawaii has a unique, statewide public education system. The state educational agency and local education agency are one and the same, and its leadership requires a unique perspective and experience. Hawaii is also the only state that provides all public school funding without any additional support from the counties. This measure will meaningfully raise and specify the qualifications for candidates for the superintendent of education position.

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. 76, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 76, S.D. 2, 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. 604 Ways and Means on S.B. No. 315

The purpose and intent of this measure is to appropriate moneys for the State of Hawaii Museum of Natural and Cultural History.

Your Committee received testimony in support of this measure from the Bishop Museum.

Your Committee finds that the moneys appropriated by this measure will allow the State of Hawaii Museum of Natural and Cultural History to continue to protect the State's irreplaceable collections and primary source knowledge and to serve as a global resource on Hawaii's natural history and cultural heritage.

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. 315, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 315, 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, 1 (Inouye).

SCRep. 605 Ways and Means on S.B. No. 911

The purpose and intent of this measure is to clarify existing, and establish new, eligibility and document provision requirements for organizations applying for grants under chapter 42F, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Office of Community Services and one individual.

Your Committee received testimony in opposition to this measure from the Hawaii Youth Services Network.

Your Committee received written comments on this measure from the Department of Taxation, Domestic Violence Action Center, and Hawaii Alliance of Nonprofit Organizations.

Your Committee finds that requiring organizations applying for grants under chapter 42F, Hawaii Revised Statutes, to provide certain documentation at the beginning of the Legislature's reviewing process will improve the effectiveness of the grant-application process.

Your Committee has amended this measure by:

- (1) Amending section 42F-102, Hawaii Revised Statutes, to require the submission of certain documentation with each request for a grant under chapter 42F, Hawaii Revised Statutes;
- (2) Clarifying that certain requirements in section 42F-103, Hawaii Revised Statutes, are eligibility requirements for receiving a grant and not requirements for the provision of documents;
- (3) Inserting a provision allowing an organization to qualify for a grant under chapter 42F, Hawaii Revised Statutes, if the organization is registered with the Department of Commerce and Consumer Affairs and in possession of a valid certificate of vendor compliance issued by the State;
- (4) Clarifying that an applicant for a grant may provide evidence of filing federal Form 990-PF, in addition to certain other federal tax forms:
- (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. 911, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 911, 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, 1 (Inouye).

SCRep. 606 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 607

Recommending that the Senate advise and consent to the nomination of the following:

HAWAII PAROLING AUTHORITY

G.M. No. 607 GENE DEMELLO JR, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Gene DeMello, Jr. for service on the Hawaii Paroling Authority.

Your Committee received testimony in support of the nomination for the appointment of Gene DeMello, Jr. from the Department of Public Safety, Hawaii Paroling Authority, and ten individuals.

Upon review of the testimony, your Committee finds that Mr. DeMello's experience, knowledge, background, and commitment to public service qualify him to be nominated for appointment to the Hawaii Paroling Authority. Your Committee notes that Mr. DeMello has spent over thirty years in community corrections and has dedicated his entire career to transitioning incarcerated individuals as they return to life in the community. For the majority of his career, Mr. DeMello was with the United States Probation Office as a Probation Office, Supervisor, and Assistant Deputy Chief until he retired after twenty-eight years of service. Mr. DeMello has the knowledge base and skill set to make critical decisions and has a thorough understanding of the roles and responsibilities of the Hawaii Paroling Authority. Your Committee therefore recommends that Mr. DeMello be appointed to the Hawaii Paroling Authority based on his knowledge, experience, loyalty, integrity, commitment, and dedication to the mission of the Hawaii Paroling Authority.

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, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 607 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 507

Recommending that the Senate advise and consent to the nomination of the following:

DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY

G.M. No. 507 MAX OTANI, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Max Otani for service on the Department of Public Safety.

Your Committee received testimony in support of the nomination for the appointment of Max Otani from the Governor; Department of Transportation; Department of Health; Department of Taxation; Department of Budget and Finance; Department of Human Resources Development; Department of Commerce and Consumer Affairs; Department of Business, Economic Development, and Tourism; Department of Labor and Industrial Relations; Department of Accounting and General Services; Department of Land and Natural Resources; Department of Agriculture; Department of Hawaiian Homelands; Department of Defense; Crime Victim Compensation Commission; Office of Enterprise Technology Services; Hawaii Paroling Authority; Hawaii State Energy Office; Hina Mauka; and thirty-two individuals. Your Committee received comments on the nomination for the appointment of Mr. 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 Department of Public Safety. Your Committee notes that Mr. Otani has over thirty years of experience working in the criminal justice field and has held various positions throughout his career, ranging from probation officer to Division Administrator for the Intake Service Center for the Department of Public Safety. Mr. Otani was selected to be a member of the Hawaii Paroling Authority in 2019 where he has taken on many positions and responsibilities. Mr. Otani was appointed to be the Acting Director of the Department of Public Safety on December 1, 2020, where he was challenged with addressing urgent problems associated with the coronavirus disease 2019 (COVID-19) pandemic, including responding to COVID-19 outbreaks in Hawaii's correctional facilities. Together with three strong Deputy Directors and able staff, Mr. Otani was able to systematically implement appropriate responses to the outbreaks in the State's correctional facilities.

Mr. Otani is admired and respected by his colleagues, as evidenced by the number of positive testimony submitted on his behalf. Testimony in support of his nomination indicates that he has a proven track record of strong leadership and dedication, possesses a sound knowledge of law enforcement and the judicial system, and has a real understanding of the challenges that the Department of Public Safety faces, particularly as the State continues to deal with the COVID-19 pandemic. Mr. Otani has been described as a humble, compassionate, and competent leader and well-suited to lead the Department of Public Safety. Mr. Otani has also been described to be the right person to transform the State's public safety system and shepherd it forward during these challenging times.

Your Committee further finds that during the course of Mr. Otani's public service career at the Department of Public Safety, he has gained broad experiences and extensive knowledge regarding the various issues relating to corrections and law enforcement in the State. Mr. Otani has excellent credentials and has demonstrated a high level of understanding of the State's public safety needs and how those needs can be met. His years of service to the State are an indication of his dedication to public service and he has demonstrated tremendous leadership skills while still maintaining the respect of his peers. Your Committee therefore recommends that Mr. Otani be appointed as Director of the Department of Public Safety based on his 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, 4. Noes, none. Excused, 1 (English).

SCRep. 608 Ways and Means on S.B. No. 1353

The purpose and intent of this measure is to expand the duties of the Hawaii Sate Energy Office to include planning and supporting opportunities for economic development.

Specifically, the measure transfers certain duties relating to energy efficiency; renewable energy; energy resilience; and clean transportation incentives, programs, and goals from the Chief Energy Officer to the Hawaii State Energy Office.

Your Committee received written comments in support of this measure from the Hawaii Clean Power Alliance.

Your Committee received written comments on this measure from the Hawaii State Energy Office.

Your Committee finds that expanding the duties of the Hawaii State Energy Office to prioritize economic development will create long- and short-term jobs in the State and support ancillary industries.

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. 1353, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1353, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 609 (Majority) Judiciary on S.B. No. 413

The purpose and intent of this measure is to exclude violation of privacy in the first degree, and certain subsections of violation of privacy in the second degree, from qualifying 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. 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 argument 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.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 413, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 413, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Fevella). Noes, 1 (Acasio). Excused, none.

SCRep. 610 Government Operations on S.B. No. 82

The purpose and intent of this measure is to amend the law relating to government operation and policy.

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:

- (1) Require each new member of a board or commission to participate in a formal educational and orientation session with the head of the department with jurisdiction of that member's board or commission to receive voting rights; and
- (2) Require each department and agency to train their members at least once per calendar year.

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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 82, as amended herein, and recommends that it be recommitted to your Committee on Government Operations, in the form attached hereto as S.B. No. 82, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

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

SCRep. 611 Government Operations on S.B. No. 83

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

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 designate November 28 of each year as La Kuʻokoʻa, Hawaiian Recognition Day, not constituting a state holiday, to celebrate the historical recognition of independence of the kingdom of Hawaii.

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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 83, as amended herein, and recommends that it be recommitted to your Committee on Government Operations, in the form attached hereto as S.B. No. 83, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

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

SCRep. 612 Commerce and Consumer Protection on S.B. No. 1096

The purpose and intent of this measure is to amend various portions of the insurance code to update and improve existing provisions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Kaiser Permanente Hawai'i, Hawaii Medical Service Association, and the National Association of Mutual Insurance Companies.

Your Committee finds that a number of administrative amendments to Hawaii's insurance code are necessary to enhance consumer protections for residents in this State. This measure, among other things, will mandate contractual terms for agreements between public adjusters and insurers, establish uniform standards for limited lines producer licenses, grant the Insurance Commissioner authority to waive certain fees, require electronic filings to support efficiency, and clarify that rewards under certain wellness programs do not constitute a rebate, which may, in turn, reduce utilization of health services and potentially reduce insurance premiums.

Your Committee has amended this measure by:

- (1) Clarifying that the Insurance Commissioner shall appoint certain members to the Board of Governors within the Joint Underwriting Plan Bureau; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1096, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1096, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 613 Commerce and Consumer Protection on S.B. No. 1098

The purpose and intent of this measure is to adopt certain provisions of the National Association of Insurance Commissioners' Producer Licensing Model Act, Public Adjuster Licensing Model Act, Reinsurance Intermediary Model Act, and Independent Adjuster Licensing Model Guidelines to provide consistency and promote efficiency in processing insurance licensing fees, applications, certificates, registrations, and renewals.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that existing state law does not list all of the licenses, registrations, and fees issued by the Insurance Division of the Department of Commerce and Consumer Affairs, which may create confusion. This measure makes necessary amendments to more accurately reflect the licenses, registrations, and fees issued by the Insurance Division, and will help facilitate the transition to electronic processing and conform certain penalties to model acts.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1098, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1098, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 614 Commerce and Consumer Protection on S.B. No. 1100

The purpose and intent of this measure is to adopt the National Conference of Insurance Commissioners' Insurance Data Security Model Law to establish insurance data security standards for Hawaii insurance licensees.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs. Your Committee received comments on this measure from the Hawaii Insurers Council, American Council of Life Insurers, and National Association of Mutual Insurance Companies.

Your Committee finds the National Conference of Insurance Commissioners adopted the Insurance Data Security Model Law in 2017 to strengthen existing data privacy standards and consumer breach notification obligations of insurance licensees. If states do not adopt provisions of this model law by 2022, they risk federal preemption of state laws in this area. Although some insurance licensees may already have cybersecurity policies and protocols in place, this measure will ensure and formalize insurance data security protections for all licensees.

Your Committee has amended this measure by:

- (1) Inserting a purpose and findings section;
- (2) Amending the definitions of "cybersecurity event", "information system", and "nonpublic information";
- (3) Clarifying licensee oversight requirements for third-party service provider arrangements to recognize the unique nature of cloud services;
- (4) Clarifying insurers domiciled in this State shall annually submit written statements to the Insurance Commissioner by March 31, rather than February 15;
- (5) Specifying that if the licensee provides nonpublic information to a third-party service provider and learns that a cybersecurity event has or may have impacted the licensee's nonpublic information in a system maintained by a third-party service provider, the licensee shall complete certain steps or confirm and document that the third-party service provider has taken certain steps;
- (6) Requiring that each licensee shall notify the Insurance Commissioner no later than three business days, rather than twenty-two hours, from the determination that a cybersecurity event has impacted two hundred fifty or more consumers, and further clarifying the criteria for when notification shall be provided;
- (7) Clarifying that licensees shall have a continuing obligation to update and supplement initial notifications to the Insurance Commissioner regarding material changes to previously provided information;
- (8) Clarifying the notification requirements regarding cybersecurity events of reinsurers to insurers;
- (9) Clarifying that the licensee's domiciliary regulator, rather than strictly the Insurance Commissioner, shall have the power to examine and investigate the affairs of any licensee, and further specifying investigation and examination powers;
- (10) Inserting an effective date of July 1, 2050, to encourage further discussion; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1100, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1100, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 615 Commerce and Consumer Protection on S.B. No. 1102

The purpose and intent of this measure is to allow mix 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 existing law requires that mixed martial arts promoters pay fighters by check. However, many events undergo last minute changes to the fight card for various reasons including a fighter not making weight or getting injured during training. Most events take place on Saturdays, and fighters must weigh-in the day before the event. As a result, it is difficult for promoters to get new checks issued on a Saturday because most financial institutions are closed. By allowing payment to be made in cash, this measure tailors the requirements of state law to mirror the realities of the event process and make it easier for promoters to make changes to the fight card.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1102 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, 7. Noes, none. Excused, none.

SCRep. 616 Commerce and Consumer Protection on S.B. No. 1103

The purpose and intent of this measure is to clarify the roles of the Board of Public Accountancy (Board) in selecting members to serve on the Board's Peer Review Oversight Committee (PROC).

Your Committee received testimony in support of this measure from the Board of Public Accountancy.

Your Committee finds the standards of review for the profession of public accountancy can change frequently, and it is anticipated that the PROC's duties will increase substantially because of recent changes. It is necessary for the Board to have flexibility and discretion in selecting members who have the ability and aptitude to serve on the PROC. Accordingly, this measure will help the Board appropriately and timely appoint PROC members by removing the requirement that a prospective PROC member's firm has a rating of "pass" or an unmodified opinion from its last peer review and grants the Board broader discretion in selecting members for the PROC.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1103 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, 7. Noes, none. Excused, none.

SCRep. 617 Commerce and Consumer Protection on S.B. No. 1150

The purpose and intent of this measure is to:

- (1) Allow the Department of Health to accept accreditation or certification of a skilled nursing facility by a nationally recognized accreditation or certification organizations; and
- (2) Exempt skilled nursing facilities from a licensing inspection on a continuing basis, provided they meet certain requirements.

Your Committee received comments on this measure from the Healthcare Association of Hawaii.

Your Committee finds that The Joint Commission and other nationally recognized accrediting agencies have certification standards that are more stringent than those required by state law. Your Committee further finds that authorizing the Department of Health to recognize these accreditation and certification reviews to establish a facility's compliance with all licensing requirements of the State will allow the Department of Health more resources to continue its regulatory oversight responsibilities for licensing purposes, while also permitting the Department's Office of Healthcare Assurance to deploy staffing resources to other equally important investigations and surveys.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1150, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 618 Commerce and Consumer Protection on S.B. No. 766

The purpose and intent of this measure is to allow a penalty of up to \$5,000 for repeat offenders of the motor carrier law.

Your Committee received testimony in support of this measure from the Public Utilities Commission.

Your Committee finds that motor carriers regulated by the Public Utilities Commission (PUC) traditionally transport high numbers of tourists to many locations around the State. However, the trucking and tour vehicle industries have long had to contend with unlicensed and unregulated operators who seek to skirt the PUC regulatory requirements for motor carrier operations. This measure will strengthen the PUC's ability to penalize repeat offenders of the motor carrier laws.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 766 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 619 Commerce and Consumer Protection on S.B. No. 615

The purpose and intent of this measure is to:

- (1) Prohibit the operation of a moped or motor scooter rented from any rental company unless the operator wears a safety helmet; provided that the prohibition does not apply if the operator has a valid license from any state to operate a motorcycle; and
- (2) Prohibit the rental of any moped or motor scooter with an aftermarket modification to its motor.

Your Committee received testimony in support of this measure from the Honolulu Police Department, AAA Hawaii, and twenty-eight individuals.

Your Committee finds that from 2016 to 2018, there were twenty-three motor scooter and moped operator fatalities, and of the twenty-three fatalities, twenty-two operators were not wearing helmets. Wearing a helmet while operating a moped, powered scooter, or other motorized cycle decreases fatalities and serious injuries. Your Committee notes that according to the Hawaii Injury Prevention Plan for 2012-2017, published by the Department of Health and the Emergency Services and Injury Prevention System Branch, properly worn helmets can reduce the risk of death by forty-two percent and the risk of a head injury by sixty-nine percent. This measure requires anyone who rents or leases a motor scooter or moped to wear a helmet to help reduce motor scooter and moped related fatalities.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 615, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 620 Commerce and Consumer Protection on S.B. No. 599

The purpose and intent of this measure is to require massage therapy licensees to complete twelve hours of continuing education in the two years between their license renewals, beginning July 1, 2022; provided that two hours of the continuing education shall include first aid, cardiopulmonary resuscitation, or emergency-related courses.

Your Committee received testimony in support of this measure from the Board of Massage Therapy, American Massage Therapy Association – Hawaii Chapter, and one individual. 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 requiring continuing education for licensed massage therapists will elevate the massage therapy profession to the highest standards of quality and safety. Your Committee further finds that twelve hours of continuing education hours in areas such as cardiopulmonary resuscitation, first aid, and other emergency training is a reasonable requirement for renewal and raises the level of professionalism for massage therapists. Additionally, this measure ensures that state requirements are consistent with national trends and best practices, as continuing education is required in forty other states for massage therapist license renewals.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 599, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 621 Commerce and Consumer Protection on S.B. No. 489

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 Committee received testimony in support of this measure from the Department of Agriculture; Office of Planning; University of Hawai'i College of Tropical Agriculture and Human Resources; Hawai'i Farm Bureau; Ulupono Initiative LLC, Hawaii Cattlemen's Council, Inc.; Hawaii Farming LLC; Hydroponics Alternatives LLC; and one individual.

Your Committee finds that the existing maximum area for each agricultural shade cloth structure, cold frame, and greenhouse that qualifies the structure for an exemption from building permit and building code requirements is twenty thousand square feet. Increasing the maximum area allowed from twenty thousand to sixty thousand square feet will support local food production. Your Committee finds that this measure is narrowly tailored to apply to agricultural structures meant for agricultural production. Your Committee further finds 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 Committee, this measure will make farming more productive and economically feasible for farmers and help Hawaii reach its self-sustaining food production goals.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 489 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 622 Commerce and Consumer Protection on S.B. No. 975

The purpose and intent of this measure is to establish procedures and rules for pharmacy audits that are necessary to prevent unfair pharmacy auditing practices.

Your Committee received testimony in support of this measure from the National Community Pharmacists Association, Times Supermarket and Times Pharmacy and one individual. Your Committee received testimony in opposition to this measure from CVS Health and Kaiser Permanente Hawaii.

Your Committee finds that although pharmacy audits are a necessary practice to identify fraud, abuse, and wasteful spending, they are often abused by pharmacy benefit managers (PBMs) to generate additional revenue sources for themselves at the expense of independent pharmacies, plan sponsors, taxpayers, and most importantly, patients. According to testimony received by your Committee, PBMs routinely go beyond the intent of the pharmacy audit and target community pharmacies and recoup money for harmless clerical errors where the correct medication was properly dispensed and no financial harm was incurred.

Your Committee further finds that not only have PBMs increasingly hired third party entities to conduct pharmacy audits, but PBMs also compensate these entities based on the amount of discrepancies they find and the amount of money they can help PBMs recoup. Your Committee recognizes that local pharmacies do not have the resources to keep contesting audit discrepancies, especially when the PBM refuses to overturn their decision, even after the pharmacy has provided sufficient documentation. This measure will help prevent abusive pharmacy auditing practices conducted by PBMs, health providers, insurance companies, third party payors, and any entity that represents these companies or groups.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 975, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 623 Commerce and Consumer Protection on S.B. No. 340

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, to ensure:

- (1) That a farm dwelling on agricultural land is a permitted use if it is an accessory to a farm, or where the agricultural activities provide income of no less than \$10,000 per year to the family occupying the dwelling, and verified by general excise tax return filing or agricultural tax dedication;
- (2) Structures on subdivided leasehold subdivisions of agricultural land are subject to county enforcement authority;
- (3) Applications for registration of condominium property regimes of agricultural land include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, and any other requirements pursuant to county ordinances and rule; and
- (4) The developer's public report pursuant to section 514B-83, Hawaii Revised Statutes, shall include a verified statement.

Your Committee received testimony in support of this measure from the Department of Agriculture; Department of Commerce and Consumer Affairs Real Estate Commission; Office of Planning; City and County of Honolulu Department of Planning and Permitting; one member of the County Council of Maui; Ulupono Initiative LLC; Hawai'i Farm Bureau; Hawaii Cattlemen's Council, Inc.; and one individual.

Your Committee finds that the State must ensure that agricultural lands are being used for agricultural purposes and improve its enforcement to ensure 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. This measure also allows meaningful county input in the condominium property regime process involving agricultural lands to ensure availability of necessary supportive infrastructure and to identify and mitigate any potential negative impacts to environmentally or culturally significant resources.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 340 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 624 Commerce and Consumer Protection on S.B. No. 838

The purpose and intent of this measure is to:

- (1) Define "financial management service provider";
- (2) Include assisting the care recipient and caregiver with the enrollment process as a duty of a coach;
- (3) Amend the definition of a "person-centered support plan" or "support plan" to require a qualified caregiver in its development and implementation;
- (4) Relax the thirty-hour per week employment requirement for qualified caregivers under the Kupuna Caregiver Program during a Governor-declared state of emergency;

- (5) Allow the Kupuna Caregiver Program to be delivered through traditional and kupuna caregiver-directed services; and
- (6) Allow the funds under the Kupuna Caregivers Program to be issued to the care recipient's financial management service provider.

Your Committee received testimony in support of this measure from the State Executive Office on Aging, Department of Human Services, Policy Advisory Board for Elder Affairs, and one individual.

Your Committee finds that the coronavirus disease 2019 pandemic has not only imposed additional stressors and isolation on vulnerable kupuna, but also increased the burden on caregivers and their caregiving duties. According to testimony received by your Committee, the Kupuna Caregivers Program requires more flexibility and more options to better serve kupuna and their caregivers. Your Committee further finds that this measure would improve the Kupuna Caregivers Program by providing additional options for kupuna caregivers to support their loved ones.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 838, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 625 Commerce and Consumer Protection on S.B. No. 1192

The purpose and intent of this measure is to:

- (1) Require that the dispensing of a pharmacist—prescribed opioid antagonist be reported to the State's Electronic Prescription Accountability System (EPAS); and
- (2) Require that dispensers of a controlled substance report "zero" dispensing if no prescriptions for designated controlled substances are filled, not less than once every seven days.

Your Committee received testimony in support of this measure from the 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 EPAS acts as a prescription drug monitoring system and is a useful tool to reduce the risk of substance abuse and addiction and helps prevent unintended drug interactions. According to testimony received by your Committee, efforts to track dispensing and distribution of opioid antagonists are decentralized. This measure will require pharmacists to report opioid antagonist prescriptions to the EPAS, 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1192, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 626 Commerce and Consumer Protection on S.B. No. 324

The purpose and intent of this measure is to clarify the definition of the practice of medicine in the Hawaii Revised Statutes to provide uniformity of practice for both medical physicians and osteopathic physicians.

Your Committee received testimony in support of this measure from the Hawaii Medical Board, Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office, and Kaiser Permanente Hawaii.

Your Committee finds that the practice of medicine is no longer limited to the treatment of disease and now includes telehealth, medical imaging, and preventing mental and physical diseases, conditions, injuries, and other ailments. Expanding this scope of conduct will assist the Department of Commerce and Consumer Affairs in their enforcement responsibilities by providing tangible grounds on which to evaluate physician compliance with licensure laws. Your Committee further finds that the definition of the practice of medicine has not been amended since 2008. This measure appropriately updates the definition and brings it into parity with the current practice of medicine, thereby providing uniformity between medical doctors and osteopathic doctors who receive the same education and training.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 324, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 627 Commerce and Consumer Protection on S.B. No. 348

The purpose and intent of this measure is to:

- (1) Repeal the requirement that noncarbonated bottled water be transported, stored, processed, or bottled through lines or equipment through which only water is passed; and
- (2) Update section 328D-2, Hawaii Revised Statutes, to reflect current rules of the United States Food and Drug Administration (FDA) regarding product quality standards for bottled water.

Your Committee received testimony in support of this measure from Maui Brewing Co., Ball Corporation, Hawaii Food Industry Association, Ko Olina Resort Operators Association, Sierra Club's National Marine Team, and one individual. Your Committee received comments on this measure from the Grassroot Institute of Hawaii.

Your Committee finds that existing state law expressly prohibits carbonated soft drink, juice, and beer manufacturers in Hawaii from using the same equipment to can noncarbonated drinking water. Your Committee further finds that this existing state law is based on an outdated and superseded FDA rule. This measure repeals this existing restriction that unfairly and unnecessarily limits local beverage companies that manufacture other products from providing noncarbonated water in recyclable aluminum cans to consumers as an alternative to single-use plastic water bottles. According to testimony received by your Committee, this measure will also allow local businesses to expand into new products and encourage economic growth.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 348, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 628 Commerce and Consumer Protection on S.B. No. 1191

The purpose and intent of this measure is to:

- (1) Clarify that an advanced practice registered nurse or pharmacist may access information stored in the Electronic Prescription Accountability System (EPAS);
- (2) Allow authorized employees of the Department of Human Services, Med—QUEST Division to access EPAS information; and
- (3) Allow controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veterans Affairs facilities in Hawaii, who submit data of dispensing activity as described in section 329—101, Hawaii Revised Statutes, to access prescription information stored in the EPAS.

Your Committee received testimony in support of this measure from the Department of Public Safety, Department of Health, and Department of Human Services.

Your Committee finds that clarifying the authority of advanced practice registered nurses, pharmacists, and Med—QUEST staff regarding EPAS access aligns with and supports the goals of the Hawaii Opioid Initiative to combat the national opioid crisis. Your Committee further finds that allowing controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veterans Affairs facilities in Hawaii to access EPAS will make state law consistent with the VA MISSION Act, which requires that every state provide these licensed health care providers and their delegates access to their EPAS, without exception. This measure clarifies who may access up—to—date and accurate prescription information stored in the EPAS or, as it is more commonly known, the Prescription Drug Monitoring Program. According to testimony received by your Committee, this measure better protects the community from prescribing and treatment practices that are of concern, especially the over-prescribing of opioids.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1191, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 629 (Joint) Hawaiian Affairs and Water and Land on S.C.R. No. 22

The purpose and intent of this measure is to encourage the Board of Land and Natural Resources to enter into a long-term water lease with the Wai'oli Valley Taro Hui for traditional lo'i kalo cultivation in Wai'oli, Kaua'i.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of the Mayor of the County of Kaua'i, one member of the Kaua'i County Council, Wai'oli Valley Taro Hui, Hanalei Watershed Hui, The Waipā Foundation, National Tropical Botanical Garden, Sierra Club of Hawai'i, Hawai'i Land Trust, Hanalei Hawaiian Civic Club, Kīpuka Kuleana, and thirty individuals. Your Committees received comments on this measure from one individual.

Your Committees find that for over a century, kalo farmers of the Wai'oli Valley Taro Hui have collaborated informally to steward and maintain Wai'oli Valley's natural resources, cultural lifeways, and community identity reliant upon those resources. Destruction of the historic mānowai and 'auwai in Wai'oli during the unprecedented floods of 2018 resulted in decreased water flow to lo'i kalo, and hampered the Hui's ability to restore its fields and feed its community. Your Committees also find that as part of its disaster relief efforts, the Department of Land and Natural Resources informed the Wai'oli Valley Taro Hui that portions of the current kalo irrigation system are located on conservation land, thus requiring a water lease. Additionally, the Wai'oli Valley Taro Hui has applied for an easement for their irrigation system and a revocable permit for water use; completed consultation with the Department of Hawaiian Home Lands on a draft Watershed Plan; is working with the Commission on Water Resource Management on an interim instream flow standard assessment; and is consulting with others on the preparation of a draft environmental assessment in compliance with chapter 343, Hawaii Revised Statues. In summary, the Wai'oli Valley Taro Hui has been working diligently to continue to maintain and perpetuate their land and its finite natural and cultural resources.

However, your Committees further find that subjecting the Wai'oli Valley Taro Hui to competition at a public auction for a water lease is concerning, due to their limited financial resources. Allowing the Hui to negotiate directly with the Board of Land and Natural Resources for this water lease phase would promote the Hui's continued traditional practice of lo'i kalo, and expand community-based cultural and agricultural education. Protections provided by article XI, sections 1 and 7, and article XII, section 7, of the Hawaii State Constitution; chapter 174C, Hawaii Revised Statutes; and decisions from the Hawaii Supreme Court, such as *In the Matter of the Water*

Use Permit Applications, Petitions for Interim Instream Flow Standard Amendments, and Petitions for Water Reservations for the Waiāhole Ditch Combined Contested Case Hearing, 9 P.3d 409 (2000), grant special protection and respect to traditional in-watershed cultivation of kalo, like the ones conducted by the Wai'oli Valley Taro Hui.

Your Committees have amended this measure by:

- (1) Amending its title to better reflect its purpose; 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 concur with the intent and purpose of S.C.R. No. 22, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 22, S.D. 1.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella). Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 630 (Joint) Hawaiian Affairs and Water and Land on S.R. No. 11

The purpose and intent of this measure is to encourage the Board of Land and Natural Resources to enter into a long-term water lease with the Wai'oli Valley Taro Hui for traditional lo'i kalo cultivation in Wai'oli, Kaua'i.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of the Mayor of the County of Kaua'i, one member of the Kaua'i County Council, Wai'oli Valley Taro Hui, Hanalei Watershed Hui, The Waipā Foundation, National Tropical Botanical Garden, Sierra Club of Hawai'i, Hawai'i Land Trust, Hanalei Hawaiian Civic Club, Kīpuka Kuleana, and thirty individuals. Your Committees received comments on this measure from one individual.

Your Committees find that for over a century, kalo farmers of the Wai'oli Valley Taro Hui have collaborated informally to steward and maintain Wai'oli Valley's natural resources, cultural lifeways, and community identity reliant upon those resources. Destruction of the historic mānowai and 'auwai in Wai'oli during the unprecedented floods of 2018 resulted in decreased water flow to lo'i kalo, and hampered the Hui's ability to restore its fields and feed its community. Your Committees also find that as part of its disaster relief efforts, the Department of Land and Natural Resources informed the Wai'oli Valley Taro Hui that portions of the current kalo irrigation system are located on conservation land, thus requiring a water lease. Additionally, the Wai'oli Valley Taro Hui has applied for an easement for their irrigation system and a revocable permit for water use; completed consultation with the Department of Hawaiian Home Lands on a draft Watershed Plan; is working with the Commission on Water Resource Management on an interim instream flow standard assessment; and is consulting with others on the preparation of a draft environmental assessment in compliance with chapter 343, Hawaii Revised Statues. In summary, the Wai'oli Valley Taro Hui has been working diligently to continue to maintain and perpetuate their land and its finite natural and cultural resources.

However, your Committees further find that subjecting the Wai'oli Valley Taro Hui to competition at a public auction for a water lease is concerning, due to their limited financial resources. Allowing the Hui to negotiate directly with the Board of Land and Natural Resources for this water lease phase would promote the Hui's continued traditional practice of lo'i kalo, and expand community-based cultural and agricultural education. Protections provided by article XI, sections 1 and 7, and article XII, section 7, of the Hawaii State Constitution; chapter 174C, Hawaii Revised Statutes; and decisions from the Hawaii Supreme Court, such as *In the Matter of the Water Use Permit Applications, Petitions for Interim Instream Flow Standard Amendments, and Petitions for Water Reservations for the Waiāhole Ditch Combined Contested Case Hearing*, 9 P.3d 409 (2000), grant special protection and respect to traditional in-watershed cultivation of kalo, like the ones conducted by the Wai'oli Valley Taro Hui.

Your Committees have amended this measure by:

- (1) Amending its title to better reflect its purpose; 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 concur with the intent and purpose of S.R. No. 11, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 11, S.D. 1.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella). Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 631 Judiciary on S.B. No. 211

The purpose and intent of this measure is to require that the Hawaiian language version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Kūpuna for the Moʻopuna, and two 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 the Attorney General.

Your Committee finds that Article XV, section 4, of the Hawaii State Constitution provides that English and Hawaiian shall be the official languages of Hawaii except that Hawaiian shall be required for public acts and transactions as provided by law. Although Hawaiian was established as an official language of the State of Hawaii and codified in section 1-13, Hawaii Revised Statutes, English continues to be dominate and Hawaiian language access to government functions remains limited. This measure, therefore, reinforces the parity of Hawaiian language with the English language by codifying that laws drafted in Hawaiian shall be binding.

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. 211, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 632 Judiciary on S.B. No. 537

The purpose and intent of this measure is to recognize American Sign Language as a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Disability and Communication Access Board, Deaf and Blind Task Force, Maui Deaf Friends, and six individuals.

Your Committee finds that American Sign Language (ASL) is the primary language of many persons who are deaf or hard of hearing in the United States, including residents of Hawaii. Your Committee further finds that, although ASL is a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage, it was erroneously viewed for many years as a pantomime and a poor substitute for spoken speech. Your Committee additionally finds that recognizing ASL as a language will create more equitable access in numerous areas, including employment, public awareness, and civic participation.

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. 537 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 633 Judiciary on S.B. No. 538

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 Department of Education, Hawai'i Civil Rights Commission, Disability and Communication Access Board, Hawaii Disability Rights Center, National Federation of the Blind of Hawaii, and two individuals.

Your Committee finds that when Act 387, Session Laws of Hawaii 1989, was enacted and codified as section 368-1.5, Hawaii Revised Statutes, it was meant to be the state counterpart to section 504 of the federal Rehabilitation Act of 1973, as amended, to provide a state remedy for disability discrimination and an alternative in situations in which federal remedies are also available. Your Committee further finds that the intent of section 368-1.5, Hawaii Revised Statutes, was originally, and is now, to give the Hawaii Civil Rights Commission jurisdiction over disability discrimination claims, even if protections under section 504 of the Rehabilitation Act, as amended, are available.

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. 538 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 634 Judiciary on S.B. No. 596

The purpose and intent of this measure is to repeal language that has been interpreted to allow members of the Board of Directors of the Hawaii Tourism Authority to hold office until the board member's successor is appointed and qualified, and instead prohibit holdover board members from holding office beyond the convening of the regular session following the expiration of the board member's term of office.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that holdover limitations for members of the Board of Directors of the Hawaii Tourism Authority are important to reduce redundancy and limit the power and scope of board members whose terms of office have expired. Your Committee also finds that the holdover language in section 26-34(b), Hawaii Revised Statutes, that has been interpreted to allow a holdover board member to potentially continue in office beyond the end of the second regular legislative session following the expiration of the board member's term of office are too long and counterproductive. Therefore, your Committee finds that any holdover on the Board of Directors of the Hawaii Tourism Authority should end by the start of the next regular legislative session following the expiration of the board member's term of office.

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. 596, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 635 Judiciary on S.B. No. 696

The purpose and intent of this measure is to extend the date on which the Temporary Commission on the Thirteenth Festival of Pacific Arts shall cease to exist from June 30, 2021, to August 31, 2025, and permit the Commission members to discuss matters

relating to official board business as a permitted interaction under chapter 92, Hawaii Revised Statutes, subject to a monthly meeting requirement to enable them to perform their duties faithfully.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Office of Hawaiian Affairs; Hawai'i Tourism Authority; Commission on the 13th Festival of Pacific Arts and Culture; and one individual. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the Festival of Pacific Arts and Culture has been held approximately every four years since its founding in 1972, bringing together a delegation of at least two thousand five hundred artists, performers, and cultural practitioners from twenty-seven nations in Oceania to preserve, perpetuate, and exchange the arts and cultures of their indigenous peoples. Visitors from around the world attend the festival to experience and appreciate what the artists, performers, cultural practitioners, and host country bring to share, thereby creating a global market for arts, ideas, and products.

Additionally, your Committee finds that Act 104, Session Laws of Hawaii 2017, created the temporary Commission on the Thirteenth Festival of Pacific Arts to plan the Festival of Pacific Arts originally scheduled to be held in Hawaii in June 2020. Due to the outbreak of the coronavirus disease 2019 pandemic, the Pacific Community, the international custodian of the festival, notified the State that it is postponing the Festival to 2024. Therefore, the temporary Commission, which was to cease to exist on June 30, 2021, must be extended to fulfill its duties to plan the Thirteenth Festival of Pacific Arts in 2024.

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. 696, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 636 Ways and Means on S.B. No. 506

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to facilitate the consolidation, liquidation, or both, of the long—term debt of Wahiawa General Hospital in order to facilitate its continued operation as a health care facility.

Your Committee received written comments in support of this measure from Wahiawa General Hospital and Wahiawa-Whitmore Village Neighborhood Board No. 26.

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

Your Committee recognizes that Wahiawa General Hospital provides critical services, primarily for residents of Central Oahu and the North Shore of Oahu, but also has addressed the needs of the entire State during the coronavirus disease 2019 (COVID-19) pandemic. Your Committee finds that the hospital plans to develop its campus to serve the growing population in central Oahu. However, your Committee further finds that the hospital cannot move forward with its plans because the hospital has experienced severe financial difficulties due to circumstances beyond its control, and these financial challenges have resulted in Wahiawa General Hospital's inability to repay certain long-term debts.

Your Committee has amended this measure by:

- (1) Authorizing the special purpose revenue bonds to be refunded after June 30, 2026, which is the lapsing date of the authorization for the issuance of special purpose revenue bonds; 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. 506, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 506, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 637 (Joint) Judiciary and Ways and Means on S.B. No. 502

The purpose and intent of this measure is to propose an amendment to article I of the Constitution of the State of Hawaii to guarantee all individuals the right to have a clean and healthy environment.

Your Committees received testimony in support of this measure from the Hawai'i Reef and Ocean Coalition, Green Amendments For The Generations, Imua Alliance, Surfrider Foundation, Kauai Climate Action Coalition, Kūpuna for the Moʻopuna, 350Hawaii, Our Revolution Hawaii, Environmental Caucus of the Democratic Party of Hawai'i, Hawai'i Youth Climate Coalition, Center for Biological Diversity, and eighteen 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 NAIOP Hawai'i.

Your Committees find that clean water, clean air, a stable climate, and a healthy environment are essential for supporting physical, mental, and economic health of the State's residents. This measure would recognize and establish a right for all people to clean water, clean air, a stable climate, and healthy environments and make clear the government's duties, as a trustee, to protect the environment for the benefit of the residents and future generations. Your Committees further find, however, that the global effects of climate change mean that a stable climate cannot be guaranteed.

Your Committees have amended this measure by:

- (1) Removing references to the right to a stable climate;
- (2) Making it effective fifty years after approval by vote of the electorate, 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. 502, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 502, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 10; Ayes with Reservations (Inouye, Kidani, Fevella). Noes, none. Excused, 1 (Wakai).

SCRep. 638 Judiciary on S.B. No. 998

The purpose and intent of this measure is to grant voting rights to the four members of the Board of Directors of the Honolulu Authority for Rapid Transportation appointed by the President of the Senate and Speaker of the House of Representatives.

Your Committee received comments on this measure from the Honolulu Authority for Rapid Transportation and one individual.

Your Committee finds that the Honolulu Authority for Rapid Transportation (HART) was established pursuant to article XVII of the Revised Charter of the City and County of Honolulu. Your Committee further finds that Act 1, First Special Session Laws of Hawaii 2017, added four non-voting, ex-officio members of the HART Board of Directors with two to be appointed by the President of the Senate and two to be appointed by the Speaker of the House of Representatives.

Your Committee additionally finds that the HART Board of Directors is subject to the requirements of section 92-15, Hawaii Revised Statutes, which provides in part that unless otherwise specified, "a majority of all the members to which the board or commission is entitled shall constitute a quorum to do business, and the concurrence of a majority of all the members to which the board or commission is entitled shall be necessary to make any action of the board or commission valid". Under section 92-15, Hawaii Revised Statutes, the introduction of four non-voting members to the HART Board of Directors has resulted in a de facto quorum requirement of eight and a de facto requirement that eight of nine voting members vote affirmatively to take any action. As a result, the HART Board of Directors' ability to conduct business has been severely impaired.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 998, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 998, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Kim). Noes, none. Excused, none.

SCRep. 639 Commerce and Consumer Protection on S.B. No. 132

The purpose and intent of this measure is to preserve marine ecosystems by, beginning on January 1, 2023, banning the sale, offer of sale, or distribution in the State of any sunscreen that contains avobenzone or octocrylene, or both, without a prescription issued by a licensed healthcare provider.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, The Kohala Center, Surfrider Foundation, Malama Pupukea-Waimea, Hawaii Coral Reef Stakeholders Hui, Haereticus Environmental Laboratory, College of Charleston, Chemists Without Borders, Ben-Gurion University of the Negev, Institute of Geophysics - University of Tehran, Shandong Agricultural University, Tel Aviv University, Napili Bay and Beach Foundation, Safe Sunscreen Council, Sorbonne Université, Hanauma Bay Snorkel Adventures, Hawaii Reef and Ocean Coalition, Maui Ocean Center, Safe Sunscreen Coalition, and forty individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association, Chamber of Commerce Hawaii, Retail Merchants of Hawaii, American Chemistry Council, Consumer Healthcare Products Association, Personal Care Products Council, Public Access to SunScreens Coalition, and one individual. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that since the enactment of Act 14, Session Laws of Hawaii 2018, which prohibits the sale and distribution of sunscreen containing oxybenzone and octinoxate in the State, octocrylene and avobenzone are common sunscreen chemicals that have also been shown to cause harm to marine life and human health. The environmental contamination of octocrylene is a daily occurrence, as swimmers and beachgoers apply sunscreens containing these chemicals then swim in the ocean waters. Evolving science around the world clearly demonstrates that these ubiquitous and pervasive reef toxins irreversibly interfere with the life cycles of Hawaii's marine ecosystems. Furthermore, long-term exposure to avobenzone and octocrylene has been found to be lethal for some organisms living in freshwater environments. Therefore, additional regulations are necessary to ensure these chemicals are kept out of our marine environment.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 132, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 132, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Nishihara). Noes, none. Excused, 1 (Chang).

SCRep. 640 Commerce and Consumer Protection on S.B. No. 57

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;
- (2) Repeal the requirement for reconstructed vehicles to obtain a special inspection and certification; and
- (3) Require the Director of Transportation to adopt administrative rules regarding exhaust noise checks as part of the motor vehicle safety inspection process to be no louder than ninety-five decibels to pass the inspection.

Your Committee received testimony in support of this measure from the Department of Transportation, Oahu Motorsports Association, 4Runnation Hawaii, 808 Street Rods, Muscle Cars Hawaii, Okami Works LLC, and seventy-four individuals. Your Committee received testimony in opposition to this measure from six individuals. Your Committee received comments on this measure from five individuals.

Your Committee finds that vehicle inspectors serve the important function of ensuring the safety of vehicles on Hawaii's roads. This measure codifies the process by which vehicle inspectors obtain and renew their certification and the penalties for improper inspections. Your Committee also finds that the reconstructed vehicle inspection program unique to Oahu is not necessary. Available crash data does not indicate that reconstructed vehicles are more dangerous than other vehicles. As this program is restricted to Oahu and there is no data to support the conclusion that it is effective, this measure repeals the requirement that reconstructed vehicles be inspected and receive a permit before operating on a public highway.

Your Committee notes the concerns raised in testimony that noise testing is not a road safety concern and may be better regulated and enforced by county noise ordinances or law enforcement. Accordingly, amendments to this measure are necessary to address this concern. Furthermore, your Committee notes this measure is not intended to impact or modify the safety check inspection process for special interest vehicles or street rod vehicles.

Your Committee has amended this measure by:

- Deleting language that would have required the Director of Transportation to adopt rules concerning exhaust noise tests as part
 of the vehicle safety inspection process that would have required exhaust noise to be no louder than ninety-five decibels at
 max revolutions per minute to pass inspection;
- (2) Inserting an effective date of July 1, 2040, 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 57, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 57, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 641 Commerce and Consumer Protection on S.B. No. 768

The purpose and intent of this measure is to establish the Rental Car Modernization Task Force.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii State Energy Office, Imua Alliance, Climate Protectors Hawaii, Ulupono Initiative, Hawaii Electric Vehicle Association, and nine individuals. Your Committee received comments on this measure from 350 Hawaii, Enterprise Holdings, and nine individuals.

Your Committee finds that, for Hawaii to meet its clean energy goals, programs that support the implementation of cleaner transportation options are necessary. The adoption and widespread deployment of electric vehicles is essential to reduce Hawaii's dependence on fossil fuels. Electric rental vehicles, however, require appropriate electric charging infrastructure and capacity at airports, hotels, and other destinations to be successful. It is therefore necessary to first assess these locations to understand their ability to install and operate charging stations to support a fully electric rental vehicle fleet and to ensure an effective transition plan. Accordingly, this measure establishes the Rental Car Modernization Task Force to develop a plan to ensure that electric vehicle charging infrastructure is installed at a rate and volume necessary to support a one hundred percent zero-emission rental motor vehicle fleet by the year 2035.

Your Committee has amended this measure by:

- Clarifying that the Chief Energy Officer, rather than the administrator, of the Hawaii State Energy Office shall serve as a member on the Rental Car Modernization Task Force;
- (2) Requiring the Task Force's plan to include an analysis of how airport parking structures may be able to accommodate charging station infrastructure and the financial requirements to do so; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 768, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 768, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 642 Commerce and Consumer Protection on S.B. No. 251

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 the insurance requirements for transportation network companies and transportation network drivers.

Your Committee received testimony in support of this measure from the Hawaii Insurers Council; Uber Technologies, Inc.; American Property Casualty Insurance Association; Lyft; TechNet; and three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Transportation Association; Charley's Taxi and AllWays Charley's, a TNC; Polynesian Adventure Tours, LLC; Robert's Hawaii, Inc.; and Hawaii Passenger and Property Carrier Association.

Your Committee finds that transportation network companies provide alternative transportation options to increase mobility for locals and tourists alike. As of this year, forty-six states across the country have passed comprehensive rideshare legislation. In Hawaii, transportation network company driver screening and operating requirements are currently only mandated for the City and County of Honolulu. This measure incorporates interested stakeholder consensus language to establish a comprehensive framework that ensures transportation network company driver screening and other operating requirements are mandated for all islands throughout Hawaii, not just Oahu. This measure further makes permanent the insurance requirements for transportation network companies and their drivers.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "transportation network company vehicle" to mean a vehicle that is:
 - (A) Manufactured with seating accommodations for eight or fewer passengers; and
 - (B) Not a truck, truck-tractor, tractor-semitrailer, or semitrailer, as those terms are defined in section 286-2, Hawaii Revised Statutes:
- (2) Inserting an effective date of July 1, 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 251, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 251, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 643 Commerce and Consumer Protection on S.B. No. 244

The purpose and intent of this measure is to:

- Expand liability protection for donors to include donations of food and similar donations made to needy persons by organizations; and
- (2) Authorize the donation of expired food when the donor reasonably believes in good faith that the food remains fit for human consumption.

Your Committee received testimony in support of this measure from the Hawaii Primary Care Association, Hawai'i Farm Bureau, Hawai'i Public Health Institute, Hawai'i Pacific Health, and four individuals. Your Committee received testimony in opposition to this measure from the Department of Health.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic has severely threatened the health and welfare of Hawaii residents. With high unemployment rates, entire families are struggling to put food on the table on a consistent basis. The COVID-19 pandemic has further increased the need to expand and clarify existing law to support food donation programs, while reducing the excessive amounts of food waste in the State, which can overload landfills and create harmful greenhouse gases. This measure helps to remove unnecessary barriers and reduce food insecurity, which has only been exacerbated by the COVID-19 pandemic.

Your Committee notes the concerns raised in the testimony of the Department of Health that the education and promotion of food donation to food establishment owners, managers, or appropriate agents of potential donors is not necessary, as a memorandum concerning donations is already distributed to permitted food establishments as part of the Department's routine inspections. Accordingly, amendments to this measure are necessary to address this concern. Your Committee further notes that it is not a violation of the Department of Health's rules if food establishments choose to donate or distribute wholesome food products beyond their expiration date, as these dates are voluntarily provided by manufacturers to guarantee food quality, and should not be used to determine product safety for purposes of donations.

Your Committee has amended this measure by:

- Removing language that would have required the inspection of food establishments to include education of food establishment
 owners, managers, or appropriate agents of potential donors on reasonable and safe food donation protocols; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 244, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 244, S.D. 2.

Signed by the Chair on behalf of the Committee.

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

SCRep. 644 Commerce and Consumer Protection on S.B. No. 1021

The purpose and intent of this measure is to:

- Prohibit selling, transferring, conveying, or otherwise disposing of or offering for sale any plots, crypts, or niches having an
 authorized capacity limit of fewer than ten sets of cremated human remains or burials prepared consistent with traditional
 Hawaiian cultural customs and practices;
- (2) Include the use of alkaline hydrolysis, water cremation, and natural organic reduction as methods for the disposal of human remains; and
- (3) Amend the procedures for the resolution of disputes regarding the right of disposition, the right to rely and act upon written instructions in a funeral service agreement or similar document, and provisions for the disposition of a decedent's remains and recovery of reasonable expenses to include hydrolysis facilities and natural organic reduction facilities.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs and two individuals. Your Committee received testimony in opposition to this measure from Dodo Mortuary, Inc.; Hawaiian Memorial Life Plan; Mililani Group, Inc., dba Mililani Memorial Park & Mortuary; and Hawaii Funeral & Cemetery Association, Inc. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that traditional Hawaiian burial practices are deeply integral to Hawaiian culture and identity. Existing state law, Department of Health administrative rules, as well as cemetery and mortuary practices, have prevented families from carrying on these practices in culturally appropriate, family-style burials. This measure addresses these barriers to facilitate the restoration and revival of traditional Hawaiian burial practices and values by allowing for multiple family members to be interred in family burial plots, and enables the Department of Health to recognize and accommodate the use of other methods for the preparation of human remains for burial.

Your Committee has amended this measure by:

- (1) Clarifying that no plot, crypt, or niche shall be sold, transferred, conveyed, or otherwise disposed of, offered for sale, transfer, conveyance, or other disposition unless the property allows the interment of up to ten sets of human remains that are cremated or prepared consistent with traditional Hawaiian burial in a single plot, crypt, or niche; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1021, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1021, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 645 Commerce and Consumer Protection on S.B. No. 1212

The purpose and intent of this measure is to:

- Require resolution of any outstanding federal out-of-service orders prior to registration renewals and initial registrations of motor carrier vehicles; and
- (2) Define "out-of-service order".

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

Your Committee finds that the Department of Transportation's Motor Carrier Safety Assistance Program (MCSAP) is funded through a grant from the Federal Motor Carrier Safety Administration. The federal grant covers eighty-five percent of the MCSAP eligible activities, which include compliance reviews and commercial motor vehicle inspections, to ensure motor carrier vehicles are safe to operate on Hawaii's highways. The Performance Registration Information Systems Management (PRISM) is a federal program that identifies motor carriers that are under a federal out-of-service order because those motor carriers have not corrected safety deficiencies found in compliance review inspections. This measure will allow the State to be compliant with and qualify under PRISM, and thus continue to receive MCSAP funding.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1212, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1212, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 646 Judiciary on S.B. No. 36

The purpose and intent of this measure is to:

(1) 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 rental transactions and requirements;

- (2) Establish 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
- (3) Make an appropriation.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness; Hawai'i Civil Rights Commission; Office of the Mayor of the City and County of Honolulu; Catholic Charities Hawai'i; Family Promise of Hawaii; Partners In Care; The Institute for Human Services, Inc; Imua Alliance; League of Women Voters of Hawaii; American Civil Liberties Union of Hawai'i; and three individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS. Your Committee received comments on this measure from the Department of Budget and Finance and Office of Hawaiian Affairs.

Your Committee finds that low-income individuals experience extreme difficulty in finding affordable housing rentals in Hawaii. Many housing vacancy advertisements proclaim "no Section 8 accepted" or "Section 8 need not apply" in an effort to prevent low-income individuals with housing vouchers from consideration for tenancy. Your Committee further finds that many states, the District of Columbia, and many cities and counties already prohibit discrimination based on source of income. In those areas where this discrimination is already prohibited, renters with housing vouchers are twelve percent more likely to find housing than in areas that allow for this type of discrimination. Your Committee finds that this measure will prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program.

Your Committee notes that, although the landlord incentive program requires a source of funding, the current referral of this measure does not include your Committee on Ways and Means, and thus this measure should not establish a special fund or make an appropriation at this time. Your Committee further finds that this consideration may merit further discussion as this measure proceeds in the legislative process.

Accordingly, your Committee has amended this measure by:

- (1) Removing sections that would have established the landlord incentive program special fund and made appropriations;
- (2) Inserting an effective date of May 6, 2137, 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. 36, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 36, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 647 Judiciary on S.B. No. 178

The purpose and intent of this measure is to:

- (1) Establish a two-year beach protection pilot program under which no vehicles are authorized to drive on a beach in Polihale State Park without a permit; and
- (2) Require an annual report regarding the pilot program be submitted to the Legislature.

Your Committee received testimony in support of this measure from the Hawaii Shore and Beach Preservation Association. Your Committee received testimony in opposition to this measure from three individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that Polihale State Park is a remote, multi-mile stretch of beach with one unimproved dirt road for access. Your Committee notes that Polihale State Park contains sensitive cultural and natural resources, as well as a recent history of illicit and destructive uses, including that of reckless driving through the dunes and other areas of the park that contain Hawaiian burial sites or critically endangered plants. Your Committee further notes that it was necessary to close the park for several months in 2020 after inappropriate uses involving vehicle access on the beach had reached a crescendo, triggering the need for prompt action for public health and safety due to protocols relating to coronavirus disease 2019.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 178, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 178, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 648 Judiciary on S.B. No. 238

The purpose and intent of this measure is to require the names of the candidates for the Office of Hawaiian Affairs Board of Trustees to be placed on the ballot grouped by residency and non-residency requirements and to randomize the order of candidate names within those groupings.

Your Committee received comments on this measure from the Office of Hawaiian Affairs, Office of Elections, and Common Cause

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 to ensure that all candidates are properly listed, which corresponds to the voting position for the vote counting system. 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. A candidate listed first on a ballot increases their chances of winning by almost five percentage points and going from last to first on the ballot raises a candidate's vote share by ten percentage points. 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 individualized ballots.

Your Committee has amended this measure by applying the procedures established by the Chief Elections Officer to the election cycle beginning on January 1, 2022, instead of 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. 238, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 238, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 649 Judiciary on S.B. No. 866

The purpose and intent of this measure is to temporarily exempt certain affordable housing projects from specific state and county fees and exactions related to discretionary approval or ministerial permitting, except application fees.

Your Committee received testimony in support of this measure from Michaels Development – Hawai'i Region; Mutual Housing Association of Hawai'i, Inc.; Hunt Companies – Hawaii; NAIOP Hawaii; Hawaii Habitat for Humanity Association; Ahe Group; Castle & Cooke Homes Hawai'i, Inc.; Building Industry Association of Hawaii; Hawai'i Appleseed Center for Law and Economic Justice; and one individual.

Your Committee finds that the shortage of affordable housing in the State, exacerbated by the effects of the coronavirus disease 2019 pandemic, is a serious and persistent problem in Hawai'i. Your Committee further finds that easing regulatory burdens on developers for certain housing projects that meet certain criteria will encourage the development of affordable housing and help to address the affordable housing shortage.

Your Committee notes a concern that exempting certain affordable housing projects from regulations and safeguards under chapter 6E, Hawaii Revised Statutes, could lead to the disruption of burial sites or other historically and culturally important places, and that such concern may merit further discussion as this measure proceeds in the legislative process.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 866, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 866, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 650 Judiciary on S.B. No. 1333

The purpose and intent of this measure is to remove cannabidiol drugs that have been approved by the United States Food and Drug Administration from the list of Schedule V substances for consistency with federal laws.

Your Committee received testimony in support of this measure from Akamai Cannabis Clinic.

Your Committee finds that section 329—11, Hawaii Revised Statutes, requires that the State's list of controlled substances comport with the list of controlled substances under federal law. Your Committee further finds that the Food and Drug Administration recently approved the prescription drug Epidiolex, and generic versions of that drug which is a plant-derived prescription cannabinoid product used to treat seizures associated with certain types of epilepsy, including rare and difficult to treat forms of childhood-onset epilepsy. This measure brings state law in conformity with federal law by removing approved cannabidiol drugs from the State's schedule V list of controlled substances.

Your Committee has amended this measure by:

- (1) Making conforming amendments to other sections of the Hawaii Revised Statutes to prevent approved cannabidiol drugs from becoming Schedule I substances by default; 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. 1333, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1333, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 651 Judiciary on S.B. No. 582

The purpose and intent of this measure is to amend the definition of "water pollutant" as used in chapter 342D, Hawaii Revised Statutes, relating to water pollution, to include plastic.

Your Committee received testimony in support of this measure from the Surfrider Foundation, Center for Biological Diversity, and eighteen individuals. Your Committee received testimony in opposition to this measure from the Department of Health and American Chemistry Council.

Your Committee finds that the Environmental Protection Agency recognizes that most of the trash that pollutes the nation's waters is plastic trash. Additionally, the Environmental Protection Agency held that seventeen water bodies around the Hawaiian islands are impaired by plastic pollution. Your Committee further finds that on March 30, 2020, the Environmental Protection Agency issued a final ruling, rescinding its approval of the 2018 Hawai'i List of Impaired Waters under Clean Water Act, Section 303(d), citing specifically that "the State's submission does not demonstrate that it has satisfied its statutory and regulatory obligation to assemble and evaluate all existing and readily available water-quality data and information, specifically for plastic trash related to plastics." This measure will enable state and federal regulators to more effectively protect Hawai'i's waters, communities, and wildlife from plastic pollutants.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 582, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 582, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 652 (Joint) Commerce and Consumer Protection and Judiciary on S.B. No. 970

The purpose and intent of this measure is to authorize the establishment of a physician-patient relationship via a telehealth interaction if the physician is licensed to practice medicine in the State.

Your Committees received testimony in support of this measure from the Hawaii Medical Board, University of Hawai'i System, Office of Hawaiian Affairs, Hawai'i Pacific Health, Healthcare Association of Hawaii, Kaiser Permanente Hawai'i, AARP Hawai'i, Hawaii Substance Abuse Coalition, The Queen's Health Systems, Aloha Independent Living Hawaii, Hawai'i Public Health Institute, American Telemedicine Association, and two individuals.

Your Committees find that the coronavirus disease 2019 (COVID-19) pandemic has resulted in the increased use of telehealth services. However, existing state law relating to the practice of telehealth is ambiguous regarding whether a patient can use telehealth to establish a relationship with a physician. Certain emergency proclamations and temporary waivers issued by the Governor during the COVID-19 pandemic clarified that a physician-patient relationship could be established by telehealth, and this measure codifies this change permanently to recognize this widely utilized practice in the United States and to significantly aid in expanding access to health care services, especially for the elderly and patients living in rural areas.

Your Committees have amended this measure by:

- (1) Clarifying that, once a physician-patient relationship is established, a patient or physician licensed in this State may use telehealth for any authorized purpose, including consultation with a medical provider licensed in another state; 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 and Consumer Protection and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 970, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 970, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 6. Noes, none. Excused, 1 (Misalucha).

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 653 Commerce and Consumer Protection on S.B. No. 255

The purpose and intent of this measure is to:

- (1) Authorize the Department of Land and Natural Resources to establish rules and fees for the issuance of a commercial marine vessel license;
- (2) Provide that a single valid commercial marine vessel license satisfies the commercial marine licensure requirement for all persons aboard the licensed vessel;
- (3) Allow marine charter fishing vessels to obtain commercial marine vessel licenses; and
- (4) 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; Hilo Fish Co.; Tropic Fish Hawaii; Tropic Fish Maui; Tropic Fish Kauai; Kona Fish Co.; United Fishing Agency a.k.a. Honolulu Fish Auction; Ice Partners, LLC; Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.; Lokahi Fishing, LLC; Hawaii Longline Association; POP Fishing & Marine; Vessel Management Associates, Inc.; and one individual.

Your Committee finds that under existing law, each individual on a fishing vessel must have their own commercial marine license (CML) to participate in a commercial fishing trip, which by definition means any fishing trip where any portion of the catch may be sold. This places logistical and financial burdens on vessel captains when part-time crew members are needed for a commercial fishing trip, or when unscheduled or infrequent visitors are invited aboard. This can also lead to confusion regarding who is responsible for submitting commercial catch reports for fishing activities onboard the vessel. This measure will simplify licensing requirements and improve catch reporting, and will further clarify CML requirements for fishing charter services to allow the Department of Land and Natural Resources to better manage fishing activities in the State.

Your Committee notes the intent of the Department of Land and Natural Resources to amend its CML rules to establish a new commercial marine vessel license (CMVL) category, which would cover everyone onboard under one license and would be more cost-effective for Hawaii boat-based fishers. CMVL rules would also clarify who is responsible for submitting catch reports for the vessel.

Your Committee has amended this measure by:

- (1) Inserting language requiring the Department of Land and Natural Resources to submit a report to the Legislature no later than thirty days prior to the convening of the Regular Session of 2022 concerning the status of its administrative rules establishing a new commercial marine vessel license category; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 255, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 255, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 654 Commerce and Consumer Protection on S.B. No. 1008

The purpose and intent of this measure is to establish the permanent Autonomous Transportation Task Force, to be placed in the Department of Transportation.

Your Committee received testimony in support of this measure from the Alliance for Automotive Innovation, 350 Hawaii, and U.S. Powersports Industry.

Your Committee finds that the automotive industry continues to evolve vehicle technologies toward a future when cars will be fully self-driving. Because there are many industry approaches to automation, solving the equation of how to integrate autonomous vehicles in Hawaii will require input from a broad base of stakeholders. Your Committee notes that the Legislature adopted a concurrent resolution in 2019 that requested the Attorney General to convene the Autonomous Vehicle Legal Preparation Task Force, which recently submitted its last report to the Legislature. Accordingly, this measure makes permanent an Autonomous Transportation Task Force (Task Force) to further prepare the State for the inevitable transition to a future in which all vehicles are autonomous.

Your Committee notes that the Task Force would benefit from consultation with additional stakeholders related to autonomous vehicle implementation, such as those who recently participated in the Autonomous Vehicle Legal Preparation Task Force established in 2019, as they remain available to assist with the continued efforts facilitated by this measure.

Additionally, your Committee notes that this measure, as currently drafted, does not include a member who represents environmental interests. Your Committee finds that the Task Force would benefit from a member representing an entity, such as the Ulupono Initiative that is knowledgeable in environmental issues and policy concerning electric autonomous vehicles. Therefore, amendments to this measure are necessary to address this concern.

Your Committee has amended this measure by:

- Amending the composition of the Task Force to include a member who represents an entity that is knowledgeable in
 environmental issues and policy relating to electric autonomous vehicles, and a representative from the powersports industry;
 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1008, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1008, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 655 Commerce and Consumer Protection on S.B. No. 602

The purpose and intent of this measure is to:

Prohibit certain contracts for managed care entered into after June 30, 2021, from containing a provision that authorizes a
pharmacy benefit manager to reimburse a contracting pharmacy on a maximum allowable cost basis, and void any such
provisions in existing managed care contracts;

- (2) Prohibit pharmacy benefit managers from engaging in unfair methods of competition or unfair practices;
- (3) Prohibit a pharmacy benefit manager from reimbursing a 340B pharmacy differently than any other network pharmacy;
- (4) Prohibit a pharmacy benefit manager from reimbursing an independent or rural pharmacy an amount less than the rural rate for each drug under certain circumstances;
- (5) Prohibit a pharmacy benefit manager from preventing a pharmacist from providing certain information to insureds;
- (6) Increase pharmacy benefit managers' annual reporting requirements;
- (7) Require the Insurance Commissioner to file annual reports with the Legislature;
- (8) Increase pharmacy benefit manager registration and renewal fees by an unspecified amount; and
- (9) 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 Hawai'i Primary Care Association and The Queen's Health Systems. Your Committee received testimony in opposition to this measure from Hawaii Medical Service Association, CVS Health, and Hawaii Association of Health Plans. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Kaiser Permanente Hawaii, and Pharmaceutical Care Management Association.

Your Committee finds that the federal 340B Drug Pricing Program (340B Program) provides eligible health care providers, such as Federally-Qualified Health Centers (FQHCs) in underserved areas, the ability to purchase outpatient drugs at significantly reduced costs, the savings for which can then be passed on to their patients. The discounts provided in the 340B Program are financed by drug manufacturers, not the government. In recent years, however, a growing number of outside organizations called pharmacy benefit managers (PBMs) have determined how to access the 340B Program savings intended to accrue to FQHCs and other program providers by structuring their contracts to retain all or part of the savings. There is no existing law that restricts PBMs from accessing the savings intended for the 340B Program, which can also have significant impacts on limited state resources. This measure increases fairness and transparency by prohibiting pharmacy benefit managers to, among other things, reimburse a 340B pharmacy differently than any other network pharmacy.

Your Committee has heard the concerns raised in testimony that this measure, as currently drafted, should be clarified to follow the language from the National Association of Insurance Commissioners' Draft PBM Model Law regarding certain prohibited practices. Furthermore, the purpose of this measure is to regulate third-party PBMs, not pharmacies internally owned and managed by health maintenance organizations. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- Clarifying a pharmacy benefit manager shall not reimburse a 340B pharmacy differently than any other network pharmacy or mail service pharmacy based on its status as a 340B pharmacy;
- (2) Authorizing the Insurance Commissioner to determine the form and manner by which pharmacy benefit managers shall file a list of the rural rates for each prescription drug;
- (3) Inserting language prohibiting a contract between a pharmacy benefit manager and pharmacy or pharmacist from restricting or limiting the disclosure of information to the Insurance Commissioner, law enforcement, or governmental agencies, under certain circumstances:
- (4) Inserting language prohibiting a pharmacy benefit manager from terminating a contract or penalizing a pharmacy or pharmacist due to the disclosure of certain information or sharing any portion of a contract with the Insurance Commissioner;
- (5) Prohibiting pharmacy benefit managers from preventing pharmacies or pharmacists from disclosing information to covered persons regarding the nature of treatment, risks, alternative therapies, decisions of similar persons to authorize or deny services, processes used to authorize or deny services or benefits, and information on financial incentives;
- (6) Restoring existing statutory language that clarifies the term "covered entity" does not include a health maintenance organization regulated under chapter 432D, Hawaii Revised Statutes, that owns or manages its own pharmacies; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 602, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 602, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 656 Commerce and Consumer Protection on S.B. No. 32

The purpose and intent of this measure is to require public water or sewer utilities to consider the disruption to transportation as a criterion in planning future maintenance.

Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and the Public Utilities Commission.

Your Committee finds it is important to prioritize the maintenance of utility infrastructure, but also recognizes such maintenance can cause significant traffic congestion. This measure would help limit the disruptions to traffic and transportation that arise from planned utility maintenance.

Your Committee notes the concerns raised in testimony that this measure, as currently drafted, fails to recognize that public water and sewer utilities are not the only utilities with underground infrastructure and this measure would only affect primarily rural water and sewer utility companies regulated by the Public Utilities Commission. Because installation, maintenance, and retirement of underground infrastructure, whether the utility is regulated by the Public Utilities Commission or is a municipal entity, can affect traffic transportation, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- Deleting language that would have required public water and sewer utilities regulated under chapter 269, Hawaii Revised Statutes, to consider the disruption to traffic and transportation as a criterion in planning future maintenance;
- Inserting language into chapter 264, Hawaii Revised Statutes, to clarify that any public utility seeking a permit to disturb a state highway shall consider the disruption to traffic and transportation as a criterion in planning future maintenance;
- 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 32, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 32, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

Commerce and Consumer Protection on S.B. No. 805 SCRep. 657

The purpose and intent of this measure is to:

- (1) Make the exemption from the behavior analyst licensing requirements permanent for certain teachers working in collaboration with a licensed behavior analyst or licensed psychologist; and
- Clarify exemptions from licensure as a behavioral analyst for general education teachers, direct support workers, special education teachers, and teacher trainees working in collaboration with or under the supervision of licensed professionals.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, Hawai'i Psychological Association, Special Education Advisory Council, Together for Our Keiki, Hawaii Disability Rights Center, and twenty-four individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that special education teachers sometimes need assistance with assessing their students' learning, which may include consultation with outside experts such as licensed behavior analysts or psychologists. This measure will help the Department of Education to collect Medicaid reimbursements for all applied behavior analysis services rendered during the school day and ensure vulnerable keiki are given access to the care and education they deserve.

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

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 805, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 805, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 658 Commerce and Consumer Protection on S.B. No. 186

The purpose and intent of this measure is to prohibit the enforcement of a re-recorded homeowners' association restriction if the restriction prohibits bona fide agricultural uses and activities on agricultural land.

Your Committee received testimony in support of this measure from the Department of Agriculture, Office of Planning, Hawai'i Farm Bureau, and Wootens Produce of Kauai.

Your Committee finds that subdivisions of agricultural lands have significantly increased over the past few decades, and homeowners' associations, which govern those subdivisions, have imposed restrictions that limit bona fide agricultural uses on agricultural lands. Restrictive covenants that limit agricultural uses on agricultural lands undermine the State's interest in protecting and preserving agricultural resources and promoting self-sufficiency. Thus, this measure is needed to prevent the restriction of agricultural uses and activities on lots within state agricultural districts. This measure also clarifies that renewed contracts restricting agricultural uses and activities within agricultural lands are considered new contracts and are therefore voidable, under certain circumstances.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 186 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 659 Judiciary on S.B. No. 754

The purpose and intent of this measure is to lower the blood alcohol concentration (BAC) threshold from .08 to .05 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 Honolulu Police Department, Hawai'i Police Department, Maui County Council, Maui Police Department, National Safety Council, Mothers Against Drunk Driving HAWAII, Hawai'i Alcohol Policy Alliance, and eight individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, American Beverage Institute, Hawaiian Craft Brewers Guild, and two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that alcohol-impaired driving has been a factor in approximately twenty percent of all traffic fatalities and critical collisions on Oahu roadways and thirty-one percent of all traffic fatalities and critical collisions on Hawaii County roadways. According to the National Transportation Safety Board, the risk of being in a fatal collision is at least seven times higher for drivers with a BAC between .05 and .79 than for drivers with no alcohol in their system. Additionally, twenty years of international studies have shown that when a country lowers BAC limits from .08 to .05, alcohol-related fatal and injury crashes decrease between five and ten percent. To date, approximately one hundred other countries, including most of Europe and Australia, have adopted laws prohibiting operation of a motor vehicle with a BAC of .05 or higher. This measure will align Hawai'i with the growing number of jurisdictions worldwide that recognize that driving with a BAC of .05 is a significant danger to the community.

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. 754 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 660 Judiciary on S.B. No. 792

The purpose and intent of this measure is to increase the minimum and maximum fines for violating certain provisions relating to the installation of a noisy muffler.

Your Committee received testimony in support of this measure from Waikiki Neighborhood Board No. 9 and twelve individuals.

Your Committee finds that many residents throughout the State have submitted complaints regarding the growing noise pollution and disturbance from loud mufflers on motor vehicles, primarily motorcycles. Complainants claim that the noise level adversely affects their sleep, particularly in the early morning hour or late at night. The noise level impacts public health and safety, as well as peaceful enjoyment and quality of life.

Your Committee further finds that while existing law prohibits vehicle owners from installing mufflers that increase the noise of their vehicle, the penalties are minimal and do little to deter violators of the existing muffler laws, and in fact, violators are known to add the enhanced noise mufflers after they have passed the county vehicle safety check. This measure will provide a disincentive for vehicle owners to install noisy mufflers by increasing penalties.

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. 792 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 661 Judiciary on S.B. No. 973

The purpose and intent of this measure is to amend the Hawaii Money Transmitters Act by:

- (1) Incorporating definitions of key terms provided in the Model Money Services Business Law published by the Conference of State Bank Supervisors;
- (2) Adding supporting documentation to be submitted by a license applicant;
- (3) Extending the period of a license applicant's litigation and criminal conviction history review from five to ten years from the date of the application;
- (4) Requiring a license applicant to submit information concerning any bankruptcy or receivership proceedings; and
- (5) Clarifying the authority of the Commissioner of Financial Institutions relating to examinations and investigations of licensees and to participate in nationwide protocols for licensing cooperation.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs' Division of Financial Institutions.

Your Committee finds that existing law does not provide sufficient flexibility for Hawai'i to share supervisory information with other states to swiftly protect consumers who use money transmission companies. Furthermore, instantaneous global money transmission activity necessitates additional oversight of money transmitters to provide appropriate consumer protection, establish barriers to the entry of bad actors, and facilitate coordination among state agencies. The Division of Financial Institutions needs more flexibility to share supervisory information with other states to swiftly protect consumers who use money transmission companies Therefore, this measure adopts certain model act provisions to allow Hawai'i to retain its state sovereignty while working alongside a network of states to license, supervise, and examine transglobal money transmission companies as a multi-state system to provide financial stability and economic growth while better protecting consumers.

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. 973, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 662 Judiciary on S.B. No. 35

The purpose and intent of this measure is to:

- 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, Imua Alliance, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Association of REALTORS.

Your Committee finds that the most common complaint received by the Department of Commerce and Consumer Affairs' Office of Consumer Protection's Landlord-Tenant Information Center concerns landlords failing to make repairs in a timely manner. Under existing state law, a tenant has the legal right to request necessary repairs without being evicted, and if the landlord does not respond in a certain number of days, the tenant may deduct up to \$500 from the following month's rent for the cost of repairs. However, the cost to repair conditions that materially affect health and safety can exceed \$500, leaving a tenant with limited recourse. This measure will help incentivize landlords to keep their rental units safe and sanitary, establishes a clear standard of damages for tenants who fall victim to retaliatory evictions, and will deter unscrupulous landlords from engaging in unlawful conduct.

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. 35, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Gabbard, Kim). Noes, none. Excused, none.

SCRep. 663 Judiciary on S.B. No. 151

The purpose and intent of this measure is to replace the term "accident" with "collision" for the purposes of certain provisions of the statewide traffic code.

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, Hawaii Bicycling League, Mothers Against Drunk Driving, and Blue Zones Project.

Your Committee finds that the use of the term "accident" when referring to a traffic collision or incident is outdated. The Honolulu Police Department (HPD) replaced the term "accident" with "collision" in their policies, procedures, and report writing more than a decade ago. Additionally, the National Highway Traffic Safety Administration (NHTSA) has encouraged everyone to use the term "collision" instead of "accident" when referring to incidents of vehicular collision. This measure amends the statewide traffic code to replace "accident" with "collision" to bring Hawaii statutes in line with the NHTSA and HPD policies and provide consistency and clarity.

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. 151 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 664 (Majority) Judiciary on S.B. No. 232

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.

Your Committee finds that littering is costly, portrays a negative picture of an area, and is damaging 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, when litter drifts out to sea, animals may ingest the plastic which creates health problems, including depletion of nutrients and causing animals to die. Additionally, toxins ingested by animals may cause blood clotting, seizures, or other serious issues. Toxic waterways may also kill off surrounding plant life in riverbanks, soil, and the air, compromising the health of the ecosystems and the animals and humans that rely on the health of the ecosystem. Your Committee finds that littering fines must be increased to reflect the seriousness of the offense, be sufficient to deter individuals from littering, 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. 232 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

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

SCRep. 665 Judiciary on S.B. No. 387

The purpose and intent of this measure is to protect children and minors who are being confined at detention and shelter facilities by outlining specific conditions and time limits under which they may be confined.

Your Committee received testimony in support of this measure from the Judiciary, Department of Health, Office of Youth Services, Hawaii Disability Rights Center, Hawaii Psychological Association, ACLU Hawaii, and one individual. Your Committee received comments on this measure from the Department of the Attorney General and the Office of the Public Defender.

Your Committee finds that room confinement of children and minors at detention facilities is not an effective deterrent for misbehavior, nor does it give youth the skills needed to behave differently in the future. Long periods of isolation have negative emotional consequences for youths and room confinement poses a safety risk, including the likelihood of self-harm, suicide, and retraumatizing youth who were already victimized. Both the United States Congress and the United States Department of Justice, along with numerous professional organizations, have taken strong positions against the isolation of youths. This measure will bring Hawai'i in line with this growing body of politicians, courts, and psychological professionals to ensure the basic safety and protection of children and minors by establishing statutory limits on the use of room confinement at detention and shelter facilities.

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. 387, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 666 Judiciary on S.B. No. 329

The purpose and intent of this measure is to remove the publication requirement and permit the board of directors of a condominium association to proceed directly to the sale, storage, donation, or disposal of personalty that has been abandoned in or on the common elements of a condominium when the identity or address of the owner is unknown.

Your Committee received testimony in support of this measure from the Honolulu Tower AOAO, Palehua Townhouse Association, Waikiki Neighborhood Board No. 9, Hawaii Council for Associations of Apartment Owners, and nine individuals.

Your Committee finds that abandoned bicycles, surfboards, appliances, furniture, and other personal items left on common elements of condominium property is a frequent problem. Abandoned personal property is often an eyesore and can create safety hazards for other residents, especially when space is limited. The current process for condominiums to dispose of abandoned items is burdensome, costly, and lengthy. This measure simplifies the process for boards of directors to more easily dispose of abandoned property and eliminates the requirement of publishing expensive notices in the newspaper.

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. 329, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 667 Judiciary on S.B. No. 347

The purpose and intent of this measure is to prohibit the intentional release of balloons inflated with a gas that is lighter than air.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Reef and Ocean Coalition, The Humane Society of the United States, Beach Environmental Awareness Campaign Hawai'i, and four individuals.

Your Committee finds that the release of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals. Many animals are attracted to the bright colors of balloons and mistake them for food, which can cause an animal severe injury or death. Animals are often found entangled in balloon strings and as a result are injured or strangled to death.

Your Committee notes that there are other ecologically friendly options besides balloon releases, to celebrate or commemorate events. Therefore, your Committee finds that to promote the safety of wildlife and marine animals and protect the environment, the intentional release of balloons filled with lighter-than-air gas should be prohibited, 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. 347, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 668 Judiciary on S.B. No. 376

The purpose and intent of this measure is to prohibit the use, sale, alteration, or installation of motor vehicle mufflers that emit more than ninety-five decibels of sound.

Your Committee received testimony in support of this measure from two individuals.

Your Committee finds that motor vehicles with modified exhaust systems that emit or amplify loud noises are a major source of noise pollution. Currently, all vehicles from the manufacturer are equipped with mufflers that emit noise at reasonable levels. Therefore, if a person modifies the exhaust system of a motor vehicle in a manner that amplifies or increases the noise emitted by the motor of the vehicle, this measure requires the individual to replace their muffler with an option that would not emit more than ninety-five decibels of sound so as not to contribute to excess noise pollution.

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. 376 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 669 (Majority) Judiciary on S.B. No. 428

The purpose and intent of this measure is to specify that interference with an automated public transit operation is unlawful and is a class C felony.

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

Your Committee finds that existing statutes governing interference with the operator of a public transit vehicle were enacted prior to the use of automated transit systems. In adapting to the changing landscape and different modes of transportation, this measure seeks to modernize the Penal Code to make it a class C felony to interfere with the automated operation of a public transit vehicle.

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. 428, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 670 Judiciary on S.B. No. 562

The purpose and intent of this measure is to establish that charging shipping and delivery charges that exceed the actual cost to ship or deliver a commodity to a consumer in Hawaii constitutes an unfair and deceptive practice.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs' Office of Consumer Protection and two individuals.

Your Committee finds that many companies offer free or reduced rate shipping to consumers in the United States, but for many consumers in Hawaii, these companies will refuse to honor these offers once a Hawaii zip code is entered. Your Committee further finds that, since it is likely that shipping goods to Hawaii costs more than shipping to other states, it may be unreasonable to require mainland companies to apply the same free or reduced rates that it offers to mainland consumers, and it would require a merchant to absorb an additional cost to ship to Hawaii consumers. However, your Committee finds that the assessment of any arbitrary fees or costs, in addition to the actual costs to ship goods to Hawaii consumers, is unreasonable and should be regulated.

Your Committee notes that, in practice, shipping prices to Hawaii are often artificially elevated. Your Committee considers this practice to be a deceptive and unfair practice.

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. 562, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 671 Judiciary on S.B. No. 565

The purpose and intent of this measure is to expand the definition of "beer" to specify an alcohol by volume of no less than 0.5 percent and to include alcoholic seltzer beverages.

Your Committee received testimony in support of this measure from Maui Brewing Co., Kauai Beer Co., Hawaiian Craft Brewers Guild, Lanikai Brewing Company, Kaua'i Island Brewing Co., Honolulu Beerworks, Waikiki Brewing Company, Big Island Brewhaus, and one individual. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the existing statutory definition of "beer" is limited and does not reflect the public's perception of beer in the current marketplace, or adequately represent the unique aspects of craft beer ingredients that brewers use to develop new products and new offerings, such as gluten-free beer or beer with alternative grain ingredients, which are becoming more popular across the United States. Furthermore, the State's definition is not the same as the federal definition, which includes a broader range of substitutes or additions to malted barley and fermentable sugars. This measure will help foster the creation of new and unique styles of beer that are well-suited for the inclusion of Hawaii-grown products and will have a significant benefit for local, small, independent craft breweries across 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. 565, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 672 Judiciary on S.B. No. 703

The purpose and intent of this measure is to require two hours of annual in-service training in suicide prevention for all teachers, principals, and school counselors.

Your Committee received testimony in support of this measure from the Department of Education, Office of Hawaiia Affairs, Hawaii Association of School Psychologists, Parents And Children Together, Sutter Health Kāhi Mōhala, and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that suicide is the fourth leading cause of death for children between the ages of ten and fourteen, and is the leading cause of death for young people between the ages of fifteen and twenty-four. The percentage of teenagers in Hawaii who plan

to commit suicide and the percentage of teenagers who attempt suicide are among the highest in the nation. Your Committee therefore recognizes that there is a need to increase the number of individuals in educational institutions, such as teachers, principals, and school counselors, who are trained to identify youth at risk of suicide and refer those children to appropriate services, counseling, and intervention. The Jason Flatt Act, first passed in Tennessee in 2007, requires all educators to complete youth suicide awareness and prevention training every year as part of their state licensure to teach. Your Committee finds that it is the appropriate time for Hawaii to enact similar legislation.

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. 703 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 673 Judiciary on S.B. No. 811

The purpose and intent of this measure is to require the Department of Education to publish a weekly report on schools that have reported positive cases of coronavirus disease 2019 (COVID-19).

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaii State Teachers 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 Health and Department of Education.

Your Committee finds that although the Department of Education has stated that it has communication policies and set procedures in place to address COVID-19 cases, it generally has not provided information about positive COVID-19 test result cases on all school campuses and the limited information that it has shared has been inconsistent and incomplete. Your Committee further finds, in particular, that the Department of Education does not publicize positive COVID-19 cases listed by school. This measure will require that the Department of Education reports positive COVID-19 cases, which will allow students, teachers, and communities to make informed decisions on how to proceed.

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. 811 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 674 Judiciary on S.B. No. 1004

The purpose and intent of this measure is to require the Department of Education to include the teaching of financial literacy in the personal transition plan requirement for each student beginning with the 2021-2022 school year.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Credit Union League, and two individuals.

Your Committee finds that financial education is a lifelong learning process that empowers individuals to plan for their futures. In the past, the educational system has assumed that students will learn important financial skills from their families. However, it is clear that not all students are learning the financial skills they will need to be successful later in life. This measure will ensure that Hawaii's students receive an education to help them achieve financial success.

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. 1004 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 675 Judiciary on S.B. No. 1042

The purpose and intent of this measure is to:

- (1) Repeal the existing provision that allows persons designated as covered offenders in another state or jurisdiction to petition the Attorney General for termination of sex offender registration requirements upon demonstrating that the out of state convictions are not covered offenses in the State of Hawai'i;
- (2) Require certain long-term visitors to Hawai'i with out-of-state convictions to register; and
- (3) Clarify how persons required to register can petition to terminate registration.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Department of Public Safety.

Your Committee finds that existing sex offender registration laws allow out-of-state persons who intend to reside or maintain a residence in Hawai'i, visit Hawai'i for ten or more days, or visit Hawai'i for thirty or more days a year, and who have been or are required to be registered in another state as a sex offender, to avoid registration by establishing that they do not meet the criteria for registration as a covered offender in Hawai'i because the out-of-state conviction in their state is not for a covered offense under Hawai'i law. Your Committee further finds that allowing out-of-state covered offenders to avoid registering as a sex offender in Hawai'i'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 a sexual offender 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 Hawai'i.

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. 1042, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 676 Judiciary on S.B. No. 1287

The purpose and intent of this measure is to require the Department of Education food services branch to coordinate with the principals and vice principals of department schools to determine which school meal program offered by the USDA is the best fit for the student body and campus of each school.

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 Education.

Your Committee finds that during the early stages of the coronavirus disease 2019 (COVID-19) pandemic, there was an immediate closure of schools operated by the Department of Education. For many students, this closure had the unfortunate effect of not only missing in-person learning, but also missing the meals provided at school. The United States Department of Agriculture provided Grab N' Go meals as a supplement for students, but students living in rural areas were often not able to participate in this program due to the far commute or lack of available transportation. For this reason, many administrators, students, and parents have requested to be part of the Emergency Meals-To-You Program that sends food to students, but the Department of Education Food Services Branch has not allowed participation in this program to certain schools that have already been designated as a Department of Education feeding site. This measure will mandate coordination between the Food Services Branch and principals and vice principals to provide students at a school with a meal program that works best for their needs.

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. 1287 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 677 Judiciary on S.B. No. 1291

The purpose and intent of this measure is to:

- (1) Include autocycles equipped with handlebars in the definition of motorcycle in the Hawaii Safety Act; and
- (2) Exempt motorcycles and motor scooters with a roll bar, roll cage, or fully enclosed cab from the safety helmet requirement.

Your Committee received testimony in support of this measure from the Department of Transportation; Arcimoto, Inc.; StrataG Consulting, LLC; and one individual.

Your Committee finds that electric three-wheeled vehicles that are similar to motorcycles are becoming more and more popular in Hawaii. Your Committee further finds that electric three—wheeled vehicles are a promising source of affordable emissions—free vehicles for Hawaii residents. 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. This measure will amend the definition of "motorcycle," which includes the definition of an "autocycle," so that vehicles with handlebars and three wheels can meet the definition and be operated with a general class 3 driver's license.

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. 1291, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 678 Judiciary on S.B. No. 1384

The purpose and intent of this measure is to provide that the prohibition against serving two consecutive terms not to exceed eight consecutive years pursuant to section 26-34(a), Hawaii Revised Statutes, shall not apply to the representative of Hawaiian medium early learning providers' term limit from July 1, 2021, to June 30, 2025.

Your Committee received testimony in support of this measure from the University of Hawai'i at Hilo and Office of Hawaiian Affairs. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Early Learning Board provides crucial input, direction, and oversight necessary for the Executive Office on Early Learning to achieve its statutory responsibilities. Representatives on the Early Learning Board are reflective of the diversity of the early care and education field in Hawaii, providing unique and important input on how to best serve Hawaii's families and young children. The State has long recognized the value of its host culture and has taken such actions as designating the Hawaiian language as one of its two official state languages and creating Hawaiian language immersion charter schools. This measure will allow for better, continued representation for Hawaiian early learning providers on the Early Learning Board.

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. 1384 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 679 Judiciary on S.B. No. 1225

The purpose and intent of this measure is to:

- (1) Allow the chairperson of the Independent Audit Committee (IAC) of the University of Hawaii Board of Regents to be selected in a manner consistent with its bylaws;
- (2) Clarify that the responsibility of the IAC as to the University of Hawaii's enterprise risk management is to oversee, rather than engage in pertinent operations;
- (3) Exempt from chapter 91 and part I of chapter 92, Hawaii Revised Statutes, discussions between the IAC and internal or external auditors on matters that should remain confidential in accordance with nationally recognized best practices for independent audit committees; and
- (4) Allow the IAC chairperson to determine whether IAC discussions that are exempt from chapter 91 and part I of chapter 92, Hawaii Revised Statutes, may be held without the presence of the President or Chief Financial Officer of the University of Hawaii.

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 the IAC within the Board of Regents was created in 2013 and established under section 304A-321, Hawaii Revised Statutes, as well as the Board's bylaws, in response to concerns about the Board of Regents' role in the oversight, accountability, and transparency of the University of Hawaii's fiscal and operational administration, including enterprise risk management, finance, and accounting. While the Board of Regents' Chairperson appoints the chairperson and voting members of each of the standing committees in compliance with the Board of Regents' bylaws, section 304A-321, Hawaii Revised Statues, requires that the chair of the committee be selected by and from members of the committee.

Your Committee finds that this unique selection process for the IAC chairperson has presented challenges to the administration of IAC meetings when the IAC chairperson's term on the Board, and consequently the chairperson's term on the IAC, ends on June 30, and the IAC membership is pending election by the Board Chairperson. For other Board standing committees, the Board Chairperson may appoint the voting members and chairpersons at the first Board meeting after June 30, and the appointed chairpersons may plan and set the agenda for the committees' first meeting thereafter. Since existing law does not allow the Board Chairperson to appoint the IAC chairperson, there will be no chairperson to plan and set the agenda for the first IAC meeting. This measure prevents such problems from occurring by allowing the Board Chairperson to appoint an IAC chairperson in a manner consistent with the appointment process of other committee chairpersons.

Additionally, this measure explicitly exempts the IAC from part I of chapter 92, Hawaii Revised Statutes, when the IAC is engaging in discussions with internal or external auditors on matters that should remain confidential in accordance with nationally recognized best practices for independent audit committees and provides discretion to the chair of the committee to determine if these discussions may take place in the absence of the President or Chief Financial Officer of the University of Hawaii.

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. 1225, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 680 Judiciary on S.B. No. 1220

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 whose positions or duties are related to security of the campus facilities and persons.

Your Committee received testimony in support of this measure from the Department of Human Resources Development and University of Hawai'i System.

Your Committee finds that University of Hawaii campuses have departments of public safety with responsibilities that include protecting persons and property, receiving reports of crime such as sexual assaults, and providing walking escorts and vehicle transportation from dusk to dawn for persons alone on campus at night. There are approximately one hundred sixty University Security Officer positions throughout the ten campuses, and the University anticipates processing approximately fifteen recruitments a year.

Your Committee finds that as of September 2019, the University of Hawaii entered into a delegation agreement with the Department of Human Resources Development for the University of Hawaii to perform all tasks associated with recruiting, selecting, and hiring university security officers, except for the task of completing criminal history record checks. This limitation on the University of Hawaii's authority has negatively affected an efficient hiring of University Security Officers, which will impact the University of Hawaii's ability to ensure the safety of its campuses.

This measure will ensure a strong presence of University Security Officers on the University of Hawaii campuses by enabling the Department of Human Resources Development to delegate the background checks of University Security Officers to the University of Hawaii, thereby allowing the University to perform all aspects of the University Security Officer recruitment process more efficiently. According to the University of Hawaii, background checks will be conducted in a manner like the current process of the Department of Human Resources Development, which includes submittal of fingerprints to the Hawaii Criminal Justice Data Center and the Federal Bureau of Investigation. Should outside vendors be used to conduct the criminal background checks, the estimated cost would be between \$40.00 and \$90.00 per background check.

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. 1220, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 681 Judiciary on S.B. No. 814

The purpose and intent of this measure is to:

- (1) Clarify the process for applicants to apply to open and operate a charter school; and
- (2) Provide for penalties for authorizers who fail to timely comply with board decisions.

Your Committee received testimony in support of this measure from Kulia Academy and one individual. Your Committee received comments on this measure from the State Public Charter School Commission and Maui Hui Malama.

Your Committee finds that charter school processes for new school applicants, contract renewals, and contract negotiation are inconsistent, difficult to navigate, and lack transparency. This measure will allow applicants to cure any deficiencies with their application rather than be automatically denied for nonsubstantive reasons and streamlines the charter school application process so that approval will be easier to obtain.

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. 814, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 682 Judiciary on S.B. No. 934

The purpose and intent of this measure is to exempt hydrogen fuels from petroleum product measurement requirements.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Hawaii Food Industry Association, Hawaii Hydrogen Alliance, Servco, Blue Planet Foundation, Ulupono Initiative, Alliance for Automotive Innovation, and Western States Hydrogen Alliance.

Your Committee finds that hydrogen has an important role to play in Hawai'i's energy portfolio, as a carbon-free energy storage mechanism, potential means of providing grid support, and provider of pollution-free fuel for both electricity and transportation. However, the current definition of fuel is so broad that it does not exclude hydrogen. Therefore, hydrogen must be sold on the basis of measure. There is currently no means for the State to measure and certify a hydrogen dispenser. The supporting infrastructure, technical expertise, and imported equipment are needed. This measure is intended to remove the requirements that hinder the sale and commercial use of hydrogen 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. 934 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 683 Judiciary on S.B. No. 764

The purpose and intent of this measure is to create a permanent commercial driver's license disqualification for a commercial driver's license or learner's permit holder who is convicted of a felony involving a severe form of human trafficking.

Your Committee received testimony in support of this measure from St. Michael the Archangel Parish.

Your Committee finds that federal law permanently disqualifies an individual who has been convicted of a felony involving severe forms of human trafficking, such as sex trafficking or trafficking for the purposes of slavery, from driving a commercial motor vehicle. This measure will bring Hawaii into substantial compliance with federal regulations and combat human 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. 764, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 684 Judiciary on S.B. No. 675

The purpose and intent of this measure is to amend the definition of "employee-beneficiary" of the Hawaii Employer-Union Benefits Trust Fund to include the surviving unmarried adult child of a deceased retired member, provided that the child is incapable of self-support due to a mental or physical incapacity, which existed prior to the unmarried child's reaching the age of majority.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Director of Budget and Finance and 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 four hundred twelve such dependents on the Hawaii Employer-Union Health Benefits Trust Fund health plans incapable of self-support because of a mental or physical incapacity. The average age of these currently enrolled dependents is forty and the average age of the subscriber is seventy-

three, and the estimated annual premiums for one such dependent are \$6,364. Therefore, your Committee finds that this measure is necessary to provide continued health benefit coverage to surviving children with mental or physical incapacity when the retiree and the retiree's spouse are no longer living or eligible.

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. 675, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 685 Judiciary on S.B. No. 601

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 hire the contractor;
- (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 policy; and
- (3 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 a public adjuster license.

Your Committee received testimony in support of this measure from the National Insurance Crime Bureau. Your Committee received testimony in opposition to this measure from the Contractors License Board and Roofing Contractors Association of Hawaii. Your Committee received comments on this measure from State Farm Mutual Automobile Insurance Company.

Your Committee finds that after major storms, occasionally unscrupulous roofing contractors descend upon those affected by the storm trying to drum up business and take advantage of consumers. This often involves the contractor making promises to the consumer that they can get a new roof "at no cost to them" and promising to "cover" the consumer's insurance deductible costs when in reality the contractor is just including that cost in the total price. The consumer is then pressured into signing a binding contract for the full replacement cost of the roof. After the consumer files an insurance claim, the insurance adjuster often finds that there is little to no damage and either denies the claim altogether, or else approves the claim for only the actual repair costs, which are far less than the contract price for an entirely new roof. This leaves consumers contractually obligated to pay the full cost for a new roof that they don't need and often cannot afford. This measure is similar to legislation that has been adopted in twenty-two other states and protects consumers from being taken advantage of by unscrupulous roofing contractors.

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. 601, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Kim). Noes, none. Excused, none.

SCRep. 686 Judiciary on S.B. No. 134

The purpose and intent of this measure is to prohibit the Governor or mayors from suspending requests for public or vital statistics records during a declared state of emergency.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Civil Beat Law Center for the Public Interest, All Hawaii News, and three individuals. Your Committee received comments on this measure from the Office of Information Practices, Common Cause Hawaii, and Grassroot Institute of Hawaii.

Your Committee finds that access to information is critical for enabling citizens to exercise their voice, to effectively monitor and hold government to account, and stands as a pillar of a functioning democracy. Existing law allows the Governor or a mayor to suspend requests for public or vital statistics records during a declared state of emergency. And while it is important for the government to have flexibility and broad emergency power, there needs to be guardrails in place to prevent the overreach of those powers. This measure will act as a guardrail against governmental overreach by prohibiting the Governor or a mayor from suspending requests for public or vital statistics records during a declared state of emergency.

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. 134, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 687 Judiciary on S.B. No. 510

The purpose and intent of this measure is to:

- (1) Allow the State Historic Preservation Division of the Department of Land and Natural Resources (Department), in consultation with the Office of Hawaiian Affairs, to delegate the responsibility for historic preservation project reviews to the impacted counties; and
- (2) Allow the Department to establish a program to certify third-party individuals and organizations to review documents for completeness and compliance prior to submission of those documents to the Department.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Office of Hawaiian Affairs. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees

Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Maui Chamber of Commerce.

Your Committee finds that every year the State Historic Preservation Division (SHPD) receives thousands of permits, supporting reports, and documents for review. In every other state in the union, many of these reviews would be subject to review at the county or municipal level; only Hawai'i requires reviews and evaluations at the state level. Authorizing the counties to assume responsibility for these reviews would bring Hawai'i in line with the other forty-nine states. Your Committee additionally finds that far too many submittals received by SHPD are incomplete or do not meet the minimum requirements set by rule. These defective submittals must be rejected and returned to the submitting party for corrections and resubmitted for a re-review by SHPD. Often this process happens multiple times for the same submittal. Such re-reviews comprise a significant portion of the work SHPD does and contributes to the backlog in permit reviews. This measure will make SHPD more efficient by allocating portions of the review process to the counties and ensuring that submittals are technically correct before they are sent to SHPD.

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. 510, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 688 Judiciary on S.B. No. 280

The purpose and intent of this measure is to:

- (1) Codify the administrative rule definition of "assistance animal";
- (2) Clarify the type of verification an individual may provide to substantiate a reasonable accommodation request for a specific
- (3) Specify that possession of items or registration documents commonly purchased online to identify an animal as a service animal does not constitute valid verification of a disability-related need for an assistance animal.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawaii Disability Rights Center, Associa Hawaii, Hawai'i Association of REALTORS, and two individuals. Your Committee received comments on this measure from the Disability and Communication Access Board and Community Associations Institute Legislative Action Committee.

Your Committee finds that under the federal and state fair housing laws, landlords may allow "assistance animals" in rental properties that otherwise do not allow pets. For landlords seeking to follow the fair housing laws, this can create problems discerning between a legitimate request from a person with a disability and those from persons who simply wish to keep a pet in their rental unit. This measure provides clarification on what information a landlord might reasonably request from an individual to verify the need for an assistance animal.

Your Committee also finds that there is no national registry or certification for assistance animals. In the absence of such a system, some pet owners use items or registration documents that are commonly purchased online purporting to identify an animal as a service or assistance animal. This measure clarifies that such items and documents, by themselves, do not establish an animal as a service or assistance animal.

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. 280 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 689 Judiciary on S.B. No. 193

The purpose and intent of this measure is to require publicly held domestic corporations to include individuals of all genders among the directors of their corporate boards.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Domestic Violence Action Center, Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Hawaii Women's Coalition, Hawaii'i Women Lawyers, and four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Business Registration Division of the Department of Commerce and Consumer Affairs.

Your Committee finds that the inclusion of individuals of all genders on boards of directors of publicly held corporations will boost the State's economy, improve opportunities for all individuals in the workplace, protect Hawaii taxpayers, and lead to other societal benefits. Numerous studies have concluded that United States' companies with three or more female directors reported earnings per share higher than earnings for companies with no female directors. Additionally, corporations may benefit from higher profits, better employee job satisfaction, productivity rates, and better corporate reputations. If proactive measures are not taken, studies predict that it will take forty to fifty years to achieve gender parity. Although women represent the majority in the nation's college-educated work force, women and non-binary individuals hold only twenty percent of corporate board positions due to gender discrimination and negative stereotypes. Therefore, this measure provides opportunities for women and non-gender binary individuals to affirmatively pursue opportunities to promote gender balance in leadership positions.

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. 193, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 690 Judiciary on S.B. No. 157

The purpose and intent of this measure is to authorize the issuance of a civil license to solemnize marriage and allow solemnization by any individual at least eighteen years of age.

Your Committee received testimony in support of this measure from the Department of Health, LGBT Caucus of the Democratic Party of Hawai'i, and three individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that, although marriage in the United States is a civil institution and the right to marry belongs to citizens without regard to their moral beliefs or religious creed, officiants ordained by a religious denomination or society are the only ones besides justices, judges, and magistrates who are authorized to officiate a wedding. Your Committee further finds that while those with a religious affiliation may have a trusted pastor or minister officiate their wedding, those without religious affiliation are legally unable to have a trusted friend or mentor as an officiant. This measure will increase fairness and parity by authorizing those not affiliated with a religion to solemnize marriages.

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. 157 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, 7. Noes, none. Excused, none.

SCRep. 691 Judiciary on S.B. No. 412

The purpose and intent of this measure is to exclude the offense of habitually operating a vehicle under the influence of an intoxicant from qualifying for deferred acceptance of guilty plea or nolo contendere plea.

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, Honolulu Police Department, and Maui Police Department.

Your Committee finds that a deferred plea allows a person to delay entering an official plea to a charged offense for a specific length of time, during which the person must meet terms and conditions established by the court, and after which the case will be dismissed if the person has met the required conditions. Your Committee further finds that each person is typically allowed only one deferred plea in their lifetime, and that it is an opportunity for the person to show the court that they have learned their lesson and are unlikely to reoffend in the future. Your Committee additionally finds that persons charged with habitually operating a vehicle under the influence of alcohol have already been convicted of operating a vehicle under the influence on two separate occasions in the preceding ten years and now face a third charge. Given the nature of the offense and the intent underpinning deferred pleas, it is appropriate to exclude the offense of habitually operating a vehicle under the influence of an intoxicant from qualifying for deferred acceptance of a guilty plea or nolo contendere plea.

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. 412 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, 7. Noes, none. Excused, none.

SCRep. 692 (Majority) Judiciary on S.B. No. 726

The purpose and intent of this measure is to:

- Prohibit the issuance of warrants that permit entry by an officer to a house, store, or other building without first audibly declaring the officer's office and business, including no-knock warrants;
- (2) Require law enforcement officers serving an arrest warrant at a house or a search warrant at a house, store, or other building to audibly declare the officer's office and business and wait at least thirty seconds for compliance before entry; and
- (3) Require officers serving a warrant to do so in uniform.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Americans for Democratic Action, Hawai'i Health & Harm Reduction Center, Community Alliance on Prisons, ACLU Hawai'i, Young Progressives Demanding Action, Planned Parenthood Votes Northwest and Hawaii, League of Women Voters, The Drug Policy Forum of Hawai'i, and thirty-five individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Honolulu Police Department, and Maui Police Department. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that the Fourth Amendment to the United States Constitution prohibits the police from entering a person's home without a warrant. Under section 803-37, Hawaii Revised Statutes, when an officer charged with the execution of a search warrant finds that the doors of the place to be searched are shut, before the officer may physically break into the place to be searched, the officer must state their office, state their business, and demand entrance. Article I, section 7, of the Hawaii State Constitution further provides for officers to wait a reasonable period of time prior to forcing entry. This knock-and-announce rule is one mechanism that protects individuals' constitutional rights to be secure against unreasonable searches and seizures. See State v. Naeole, 148 Hawaii 243, 470 P.3d 1120, 1124 (2020). Although the knock-and-announce rule still exists, if the police believe in advance of executing a search warrant that the threat of physical violence or the destruction of evidence exists, the police may obtain a "no-knock warrant" to allow the police to enter with force into the building without knocking. These raids have led to injury, death, and substantial collateral

damage, and feed into the growing sense of community distrust of police. This measure prohibits no-knock warrants to safeguard individuals' constitutional rights under the Fourth Amendment.

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. 726 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, 6. Noes, 1 (Fevella). Excused, none.

SCRep. 693 Judiciary on S.B. No. 828

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 the Domestic Violence Action Center; Planned Parenthood Votes Northwest and Hawaii; American Association of University Women of Hawaii; Farrell & Perrault, LLLC; Hawai'i State Coalition Against Domestic Violence; and Hawai'i Women's Coalition. 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. 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, victims of domestic violence are 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 has health insurance coverage payments, that abuse victims should not have to maintain.

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. 828 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, 7. Noes, none. Excused, none.

SCRep. 694 (Majority) Judiciary on S.B. No. 635

The purpose and intent of this measure is to:

- Allow the Campaign Spending Commission to refer a complaint to the Attorney General or county prosecutor in addition to
 any administrative determination and without the requirement that the Commission believes the respondent has recklessly,
 knowingly, or intentionally committed a violation;
- (2) Disqualify a person convicted of violating elections criminal prosecution laws from holding elective public office for ten years rather than four; and
- (3) Repeal language stipulating that elections criminal prosecution law does not apply to any persons who has paid or agrees to pay fines related to report filing violations and advertisement violations prior to the commencement of the proceedings.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and one individual.

Your Committee finds that under current law, the Campaign Spending Commission is required to refer a violation complaint for prosecution and wait to commence civil adjudication of the matter until the prosecutor has declined prosecution. Your Committee further finds that this process can be extremely time consuming, resulting in violation complaints being unresolved for much longer than necessary. This measure will increase the efficiency and the effectiveness of the administrative complaint process.

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. 635 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, 6. Noes, 1 (Acasio). Excused, none.

SCRep. 695 Judiciary on S.B. No. 189

The purpose and intent of this measure is to remove the requirement to prove that the dog has bitten on two separate occasions for dog bite victims to bring legal action against a dog's owner.

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 dog bites are among the top reasons for emergency room visits, ranking higher than injuries occurring on motorcycles, to pedestrians, and from gunshots. Your Committee further finds that the current state law only allows a dog bite victim standing in district court if it can be proven to the court that the dog has bitten and injured on a prior separate occasion. However, your Committee notes that there is no systematic tracking system for dog bites in Hawai'i and many of the incidences go unreported. This measure therefore allows for a legal right to action for dog bite victims without proof of a prior bite on a separate occasion.

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. 189, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 189, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 696 Judiciary on S.B. No. 421

The purpose and intent of this measure is to amend the manner and certain time frames specifying how a vacancy in the membership of the State Senate is filled.

Your Committee received testimony in support of this measure from the Office of Elections. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that although election laws in the State have generally been updated to comply with the requirements of federal law, the timeline and process for filling a vacancy in the State Senate has remained constant. Your Committee further finds that this discrepancy could potentially cause a conflict in the case of an unexpected vacancy in the Senate that occurs shortly before an election. This measure will ensure consistency between federal and state ballot transmission requirements and candidate filing deadlines.

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. 421, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 421, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 697 Judiciary on S.B. No. 163

The purpose and intent of this measure is to:

- (1) Amend statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit;
- (2) Allow punitive damages in a civil suit for child sexual abuse; and
- (3) Permit the court to order restorative justice measures at its discretion, if requested by the victim.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Hawaii Association for Justice, Sex Abuse Treatment Center, Domestic Violence Action Center, American Association of University Women of Hawaii, Imua Alliance, Parents And Children Together, Hawaiii State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaiii, and twelve individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that survivors of childhood sexual abuse often do not divulge their experiences until they reach adulthood. The delay may stem from fear, disbelief, anger, helplessness, anxiety, embarrassment, or other feelings that are no fault of the survivor. Your Committee further finds that Hawaii law currently requires that a lawsuit alleging childhood sexual abuse be filed within eight years of a survivor of childhood sexual abuse turning eighteen, or three years after discovering that an injury or illness during adulthood was caused by childhood sexual abuse. Under these limitations, many survivors of childhood sexual abuse may be barred from seeking civil redress in the courts.

Your Committee has amended this measure by clarifying statutory language relating to filing certificates of merit in civil actions to reflect new electronic filing rules.

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. 163, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 163, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 698 Judiciary on S.B. No. 385

The purpose and intent of this measure is to:

- (1) Enact the 2018 Uniform Trust Code; and
- (2) Repeal the Uniform Trustees' Powers Act, Uniform Prudent Investors Act, and article VII of the Uniform Probate Code.

Your Committee received testimony in support of this measure from the Judiciary and Commission to Promote Uniform Legislation.

Your Committee finds that to date, the Uniform Trust Code has been enacted by thirty-four states and the District of Columbia. Your Committee further finds that this piece of uniform legislation standardizes the law of trusts so that parties across a diverse range of jurisdictions can rely on the same governing principles. Your Committee additionally finds that as trusts become more common as a tool of estate planning, it is important to update Hawai'i's laws governing trusts to provide confidence that they will continue to be valid and enforceable.

Your Committee notes the testimony of the State Judiciary's Committee on the Uniform Probate Code and Probate Court Practices that this measure is a product of the Committee's work to present a proposed Uniform Trust Code with modifications to comply with or otherwise improve current Hawai'i 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 385, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 385, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 699 (Majority) Judiciary on S.B. No. 307

The purpose and intent of this measure is to include any firearm or rifle with the capacity to fire ammunition of fifty caliber or higher in the list of prohibited weapons.

Your Committee received testimony in support of this measure from Americans for Democratic Action. Your Committee received testimony in opposition to this measure from the National Rifle Association; Hawaii Rifle Association; Hawaii Federation of Republican Women; Pacific Arms Co., LLC; Young Guns; Hawaii Firearms Coalition; Valley Island Sport Shooters; and several hundred individuals.

Your Committee finds that the State has some of the strongest gun safety laws in the nation, as well as the third lowest number of gun deaths per capita among the states in 2019. Your Committee further finds that prohibiting firearms or rifles that fire ammunition of fifty caliber or higher is consistent with the State's commitment to protecting the safety and well-being of its citizens.

In addition, your Committee notes that section 134-11, Hawaii Revised Statutes, provides exemptions to firearm prohibitions for law enforcement officers, members of the military, persons employed by the State, and certain other persons who use firearms in the course of duty. Your Committee's interpretation is that this section applies to privately owned firearms, provided that they are used in the scope of official duties.

Your Committee has amended this measure by:

- (1) Exempting shotguns and muzzle-loading firearms;
- (2) Inserting an effective date of May 6, 2137, 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. 307, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 307, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Acasio). Noes, 2 (Gabbard, Fevella). Excused, none.

SCRep. 700 (Majority) Judiciary on S.B. No. 459

The purpose and intent of this measure is to authorize the Department of the Attorney General to develop and implement a state program to allow active and retired law enforcement officers to carry a concealed firearm in the State pursuant to the federal Law Enforcement Officers Safety Act of 2004.

Your Committee received testimony in support of this measure from the Department of the Attorney General and four individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the federal Law Enforcement Officers Safety Act of 2004 (LEOSA), Public Law 108-277, was intended to afford active and retired law enforcement officers the privilege of carrying a concealed firearm across state lines. Your Committee further finds that currently, Hawaii has not established firearm qualification standards for qualified retired law enforcement officers residing in the State or a statutory framework to uniformly permit active and qualified retired law enforcement officers to carry a concealed weapon in Hawaii pursuant to the LEOSA. This measure will authorize the Department of the Attorney General to develop and implement a state program to issue firearm qualification certifications to qualified retired law enforcement officers to carry a concealed firearm in Hawaii pursuant to the LEOSA.

Your Committee has amended this measure by:

(1) Limiting the Department of the Attorney General's role in implementing the LEOSA to issuing firearm qualification certifications for qualified retired law enforcement officers;

- (2) Clarifying that state law relating to licenses to carry firearms does not apply to qualified active or retired law enforcement officers carrying concealed firearms in compliance with the LEOSA; 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. 459, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 459, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Kim, Fevella). Noes, 1 (Acasio). Excused, none.

SCRep. 701 Judiciary on S.B. No. 639

The purpose and intent of this measure is to prohibit courts of appeal from affirming, modifying, reversing, or vacating a matter on grounds other than those raised by the parties to the proceeding unless the parties are provided the opportunity to brief the court and present oral argument on the matter.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Judiciary. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that when a court decides a case on grounds not raised by the parties, it departs from the principle of party presentation and risks abusing its discretion. Your Committee further finds that on multiple occasions, the Hawaii Supreme Court has reiterated a party's right to discuss and explore its rights, claims, and defenses through a colloquy. Your Committee additionally finds that although remedies exist for *sua sponte* decisions that do constitute an abuse of discretion, a better course of action is to prohibit an appellate court from rendering *sua sponte* decisions unless the parties have been heard.

Your Committee has amended this measure by allowing courts of appeal to affirm, modify, reverse, or vacate a matter based on an issue not raised by a party, if the parties have been provided the opportunity to brief the court on the matter.

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. 639, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 639, 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 (Acasio). Noes, none. Excused, none.

SCRep. 702 Judiciary on S.B. No. 873

The purpose and intent of this measure is to authorize the use of interactive conference technology for contested case hearings held by state agencies.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Land Use Commission, Hawaii Civil Rights Commission, and Maunakea Observatories. Your Committee received testimony in opposition to this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawaii. Your Committee received comments on this measure from one individual.

Your Committee finds that more efficient, yet still effective, contested case hearings can be conducted by interactive conference technology, which is already being utilized for public meetings in accordance with section 92-3.5, Hawaii Revised Statutes. Your Committee further finds that allowing contested case hearings to be held via interactive conference technology could allow for hearings to be held on a more timely basis allowing for greater efficiency. Your Committee additionally finds that interactive conference technology is especially useful when agency members and parties to the hearing are on separate islands or rural locations.

Your Committee has amended this measure by:

- (1) Specifying that the notice for a hearing held by interactive conference technology is required to identify electronic contact information for the agency, party, and counsel instead of the location where they are physically present;
- (2) Broadening the method of evidence submission to include by electronic means; and
- (3) Inserting an effective date of May 6, 2137, 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. 873, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 873, 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 (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 703 Judiciary on S.B. No. 551

The purpose and intent of this measure is to propose a constitutional amendment to allow individuals who are seventeen years of age but will be eighteen years of age on or before the next state or local general election to vote at the state or local primary election immediately preceding the state or local general election by which the citizen will attain the age of eighteen.

Your Committee received testimony in support of this measure from the League of Women Voters, Young Progressives Demanding Action, Pono Hawai'i Initiative, and seven 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, Vote16HI, and Common Cause Hawaii.

Your Committee finds that the earlier a person begins civic participation, such as voting, the more likely that person is to remain a lifelong active citizen and participant in democracy. Your Committee further finds that primary elections are a crucial phase of the election cycle, and that full participation as a voter in a general election involves the opportunity to vote in the corresponding primary election.

Your Committee has amended this measure by:

- (1) Allowing individuals who are seventeen years of age but will be eighteen years of age on or before the next general election to vote in all co-occurring or intervening special elections;
- (2) Changing the residency requirement from one year to thirty days before the next primary election; 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. 551, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 551, 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 (Lee).

SCRep. 704 Judiciary on S.B. No. 550

The purpose and intent of this measure is to allow an individual who is seventeen years of age but will be eighteen years of age on or before the next state or local general election to register and vote at the state or local primary election immediately preceding that state or local general election.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Young Progressives Demanding Action, Pono Hawai'i 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 the Attorney General, Vote16HI, and Common Cause Hawaii.

Your Committee finds that the earlier a person begins civic participation, such as voting, the more likely that person is to remain a lifelong active citizen and participant in democracy. Your Committee further finds that primary elections are a crucial phase of the election cycle, and that full participation as a voter in a general election involves the opportunity to vote in the corresponding primary election.

Your Committee has amended this measure by:

- (1) Allowing individuals who are seventeen years of age but will be eighteen years of age on or before the next general election to vote in all co-occurring or intervening special elections; 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. 550, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 550, 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 (Lee).

SCRep. 705 Ways and Means on S.B. No. 795

The purpose and intent of this measure is to change the criteria for calculating the state small boat harbor fees to be collected by the Division of Boating and Ocean Recreation of 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 received written comments in opposition to this measure from Redline Rafting; Wailoa River and Reeds Bay Boating and Users Association, Inc.; and numerous individuals.

Your Committee finds that authorizing the Division of Boating and Ocean Recreation to assess small boat moorage fees that are set at fair market value and have flexibility in assessing moorage fees for commercial small vessels will allow the Division to maximize its revenue generating potential and perform much-needed repairs and maintenance on small boat harbors and other boating facilities statewide.

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. 795, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 795, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 706 Ways and Means on S.B. No. 1024

The purpose and intent of this measure is to establish a cannabinoid medicine program within the University of Hawaii, to be administered by the John A. Burns School of Medicine.

Your Committee received written comments in support of this measure from one individual.

Written comments in opposition were received from the University of Hawaii.

Your Committee finds that the State's unmet need for expertise in the field of cannabinoid medicine to facilitate the exchange of educational and research information related to the state-authorized use of cannabis for medical purposes would be appropriately addressed by a cannabinoid medicine program administered by the University of Hawaii John A. Burns School of Medicine.

Your Committee has amended this measure by:

- (1) Clarifying that the associate professor position within the program shall be filled by a doctor who is appointed by the Dean of the John A. Burns School of Medicine; 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. 1024, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1024, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 707 Ways and Means on S.B. No. 1053

The purpose and intent of this measure is to expand the eligibility of organizations that may receive community-based economic development technical and financial assistance beyond community-based nonprofit organizations to also include for-profit businesses.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that expanding the eligibility for community-based economic development technical and financial assistance to include for-profit businesses will allow the Department of Business, Economic Development, and Tourism to assist in the success and viability of a larger number of organizations throughout 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. 1053, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1053, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

CRep. 708 Ways and Means on S.B. No. 1165

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to issue new ocean recreation commercial permits at public auction.

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 Alii Nui Charters; Aqualani; Lahaina Divers, Inc.; Malolo Charters; Maui Classic Charters; Maui-Molokai Sea Cruises; Ocean Tourism Coalition; PacWhale EcoAdventures; Sail Maui; Trilogy Excursions; and one individual.

Your Committee finds that the issuance of new ocean recreation commercial permits at public auction is an appropriate method for the Department of Land and Natural Resources to use for awarding these permits to the increasing number of commercial ocean recreation providers in the State.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 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 S.B. No. 1165, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1165, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 709 Ways and Means on S.B. No. 1248

The purpose and intent of this measure is to support the proliferation of viable agricultural enterprises in the State.

Specifically, the measure:

- (1) Supports and promotes agriculture by authorizing the Department of Agriculture to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure on any lands under the department's jurisdiction;
- (2) Establishes the Agricultural Enterprise Program to manage transferred agricultural enterprise land and agricultural enterprises;
- (3) Establishes the agricultural enterprise special fund; and
- (4) Requires the Board of Agriculture to provide an annual report to the Legislature on non-agricultural park lessees.

Your Committee received written comments in support of this measure from the Department of Agriculture; University of Hawaii; Happy Heart Kona, LLC; East Oahu County Farm Bureau; Hawaii Agriculture Research Center; Hawaii Aquaculture and Aquaponics Association; Hawaii Cattlemen's Council; Hawaii Farm Bureau; Hydroponics Alternatives, LLC; Land Use Research Foundation of Hawaii; Larry Jefts Farms, LLC; Local Food Coalition; MetroGrow Hawaii; Ponoholo Ranch Limited; Ulupono Initiative; and six individuals.

Your Committee finds that this measure will help support diversified agriculture, provide needed assistance to agriculture-related operations, and expand the State's agricultural industry.

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. 1248, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1248, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 710 Ways and Means on S.B. No. 798

The purpose and intent of this measure is to help fulfill the State's commitment to clean energy and sustainable transportation.

More specifically, the measure requires that, beginning January 1, 2022, no new vehicles purchased for the Department of Accounting and General Services' motor pool program shall be powered by internal combustion engines.

Your Committee received written comments in support of this measure from Ulupono Initiative, Americans for Democratic Action, Environmental Caucus of the Democratic Party of Hawaii, Hawaiian Electric, Climate Protectors Hawaii, and Hawaii Electric Vehicle Association

The Department of Accounting and General Services, Hawaii State Energy Office, Department of Education, and 350 Hawaii submitted written comments on the measure.

Your Committee finds that transitioning the State's motor pool vehicles to zero-emission vehicles will significantly reduce carbon emissions; increase the number of zero-emission vehicles entering the secondary market, making them more affordable to more Hawaii residents; and demonstrate Hawaii's leadership in clean energy and sustainable transportation.

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. 798, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 798, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 711 (Joint) Judiciary and Ways and Means on S.B. No. 513

The purpose and intent of this measure is to:

- (1) Increase the fireworks display permit fee from \$110 to \$150 and the fine for certain fireworks violations from \$2,000 per violation to \$5,000 per violation;
- (2) Clarify that each aerial device, display firework, or article pyrotechnic having a total weight of twenty-five pounds or less that is illegally imported, transferred, or sold constitutes a separate violation;
- (3) Increase the penalty for removing or extracting the pyrotechnic contents;
- (4) Require the Attorney General to establish an explosion detection technology working group;
- (5) Require the Department of Public Safety to develop and implement a web-based fireworks reporting tool;
- (6) Authorize the Sheriff Division to enforce the fireworks control law; and
- (7) Make an appropriation.

Your Committees received testimony in support of this measure from the State Fire Council and two individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that Act 170, Session Laws of Hawaii 2010, established an Illegal Fireworks Task Force to develop strategies and make recommendations to the Legislature to address the illegal importation and use of fireworks in the State. Among other

matters, the Illegal Fireworks Task Force recommended that the Legislature consider increasing fireworks permit fees and violation fines to deter the use of illegal fireworks, decrease the supply of illegal fireworks in the State, and increase funding for prevention and enforcement efforts

Your Committees further find that Act 184, Session Laws of Hawaii 2019, directed the Legislative Reference Bureau to update the Illegal Fireworks Task Force's findings and recommendations. In its report, the Bureau noted that although the Legislature had introduced numerous measures to increase fireworks permit fees and violation fines since 2011, none of the measures were enacted. This measure adopts the recommendations of the Illegal Fireworks Task Force by increasing penalties and fines to deter the illegal use of fireworks.

Your Committees have amended this measure by inserting an effective date of May 6, 2137, 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. 513, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 513, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 712 (Joint/Majority) Judiciary and Ways and Means on S.B. No. 1368

The purpose and intent of this measure is to:

- (1) Create the Kawaihapai Airfield Revitalization Task Force to address the issues necessary to keep the airfield open and operating safely; and
- (2) Require the task force to report to the Legislature.

Your Committees received testimony in support of this measure from the Department of Transportation – Airports Division, United States Parachute Association, Soaring Society of America, Aircraft Owners and Pilots Association, Save Dillingham Airfield, and nine individuals. Your Committees received testimony in opposition to this measure from two individuals.

Your Committees find that Kawaihapai Airfield, also known as Dillingham Airfield, is a vital economic and tourism contributor to the economy of Oahu's north shore. Small business tenants at the airfield generate over \$12,000,000 in yearly revenues and employ over one hundred and thirty people.

Your Committees find that the Department of Transportation (DOT) currently leases the airfield from the United States Department of the Army. Although the lease runs until July 5, 2024, the DOT announced its plan to terminate the lease through an early termination procedure, and subsequently agreed to extend the early termination period to June 30, 2021, to accommodate tenant requests. This measure will establish a task force to address the DOT's outstanding concerns with the Dillingham Airfield with the intent to allow it to continue operating safely.

Your Committees have amended this measure by inserting an effective date of May 6, 2137, 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. 1368, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1368, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 9. Noes, 1 (Inouye). Excused, 1 (Wakai).

SCRep. 713 (Joint) Judiciary and Ways and Means on S.B. No. 1401

The purpose and intent of this measure is to:

- Require the Department of Transportation to submit an annual report to the Legislature detailing compliance with complete streets policy and principles;
- (2) Require the Department of Transportation to establish and publish performance standards with measurable benchmarks reflecting the capacity for all users to travel safely and conveniently along state roadways;
- (3) Require that the complete street policies of the State apply to new construction, reconstruction, repaving, operations, and maintenance activities:
- (4) Require the Department of Transportation to create a complete streets policy checklist for each project and post the checklist on its website; and
- (5) Require the counties to consider complete street policies when adopting or amending land use ordinances.

Your Committees received testimony in support of this measure from the Department of Health, Office of Hawaiian Affairs, Waikiki Neighborhood Board No. 9, Ewa Neighborhood Board No. 23, Ulupono Initiative, Blue Zones Project, AARP Hawai'i, Hawai'i Public Health Institute, American Heart Association, Hawaii Bicycling League, and three individuals.

Your Committees find that the complete streets policy is a collection of laws that seek to reasonably accommodate convenient access and mobility to all users of the public highways, including pedestrians, bicyclists, transit users, motorists, and persons of all ages and abilities. Your Committees further find that the complete streets policy requires further legislative action to assure its proper implementation and further development.

Your Committees have amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 1401, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1401, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 714 Commerce and Consumer Protection on S.B. No. 827

The purpose and intent of this measure is to:

- (1) Increase the categories of women required to be covered for mammogram screenings;
- Require the existing health insurance mandate for coverage of low-dose mammography to include digital mammography and breast tomosynthesis;
- (3) Define "digital breast tomosynthesis"; and
- (4) Require health care providers to be reimbursed at rates accurately reflecting the resource costs specific to each service, including any increased resource cost after January 1, 2021.

Your Committee received testimony in support of this measure from the Hawaii Radiological Society, Hawaii Society of Clinical Oncology, Hawaii Primary Care Association, Hawaii Medical Association, Hawaii'i Pacific Health, and five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association of Health Plans. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Health, and Hawaii Medical Service Association.

Your Committee finds that Hawaii has one of the highest incidences of breast cancer among the United States due to its diverse population. Research has confirmed an earlier peak age of diagnosis of breast cancer in Asian, Hispanic, African American, and native Hawaiian women before age fifty. Therefore, risk assessment for breast cancer as early as age thirty is clinically important to determine which women are of higher risk so they can be informed of their options for increased surveillance. Screening may also reduce cancer morbidity, since treatment for earlier-stage cancers is often less aggressive than that for more advanced-stage cancers. This measure will help ensure women identified by Surveillance, Epidemiology, and End Result Program (SEER) data, especially minority women with high risks of breast cancer, have access to early breast cancer screening.

Your Committee notes the concerns raised in testimony that this measure is not consistent with guidelines established by the United States Preventative Services Task Force (USPSTF). Your Committee finds, however, that if USPSTF guidelines were followed, insurance companies would no longer be required to pay for screening mammography in women ages forty to forty-nine, a critical age group in early breast cancer detection. Additionally, minority women would be disproportionately and adversely impacted by implementation of the USPSTF guidelines and this measure is specifically intended to address important health care disparities that exist for young Asian and native Hawaiian women in the State. Your Committee finds that it is more important and ethical to screen for breast cancer early, as multiple studies have shown that early screening and detection can result in treatment cost savings between thirty to one hundred percent, in addition to reducing cancer morbidity.

Your Committee further notes that coverage for low-dose mammography is not a new benefit that would be subject to an impact assessment report. Breast tomosynthesis is simply an advancing technology within the existing mammography mandate that should also be covered under the same benefit. Moreover, this technology has been shown to be more effective for women with dense breast tissue and those that are at higher risk of breast cancer. Attempts to delay action pose risks to the health of patients who would benefit from advancing technologies and methodologies.

Your Committee has amended this measure by:

- Clarifying the insurance coverage contemplated by this measure shall apply to health maintenance organizations subject to chapter 432D, Hawaii Revised Statutes;
- (2) Clarifying health insurance coverage shall include annual screening by a low-dose mammogram for women age thirty to fifty, deemed by a licensed physician or clinician to have an above-average risk for breast cancer; provided that a formal risk factor screening assessment is first made and informed by any readily available risk factor modeling tool; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 827, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 827, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 715 Commerce and Consumer Protection on S.B. No. 1340

The purpose and intent of this measure is to enable the Hawaii Medical Board to certify emergency medical responders other than emergency ambulance service personnel.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, Department of Public Safety, HDOT Airport Firefighters, and two individuals. Your Committee received testimony in opposition to this measure from American Medical Response and one individual. Your Committee received comments on this measure from the Hawaii Medical Board and one individual.

Your Committee finds that emergency medical responders are a vital part of a comprehensive emergency medical services system response. However, under existing law, there is no certification or licensure category for emergency medical responders, only emergency ambulance service personnel. This measure, as currently drafted, aligns the certification for emergency medical technicians in Hawaii with the National Registry of Emergency Medical Technicians.

Your Committee notes, however, that there has been a national trend toward licensure of emergency medical responders and other emergency ambulance personnel. Additionally, certain fire and ocean safety first responders have expressed an interest in licensure, rather than certification, to recognize the importance of the services they provide to the emergency medical services system. Not all emergency medical technicians are trained equally and due to the unintended consequences associated with the deregulation of Hawaii's emergency medical services system, staffing shortages, and the risks of opening the industry to unlicensed providers, a more comprehensive licensing structure is needed. Therefore, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Updating section 1 of the measure to reflect its amended purpose;
- (2) Inserting language authorizing the Hawaii Medical Board to issue licenses, upon proper proof of certain credentials, consistent with the following levels of practice:
 - (A) Emergency medical responder;
 - (B) Emergency medical technician;
 - (C) Advanced emergency medical technician; or
 - (D) Mobile intensive care technician or paramedic;
- (3) Authorizing the Hawaii Medical Board to approve provisional licensure in certain circumstances;
- (4) Authorizing the Hawaii Medical Board to approve limited provisional licensure, in certain circumstances; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1340, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1340, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 716 Ways and Means on S.B. No. 142

The purpose and intent of this measure is to exempt certain housing developments from the school impact fee.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority.

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

Your Committee finds that thousands of Hawaii residents are on the wait list for public housing, and there are not enough affordable housing projects to meet the demand. Your Committee also finds that an increase in the supply of affordable housing is necessary to meet this demand. Your Committee believes that exempting certain housing development projects from the school impact fee will make the development of those projects more financially viable, and thus increase the housing supply.

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. 142, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 142, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 717 Ways and Means on S.B. No. 1231

The purpose and intent of this measure is to establish a more coordinated and cost-effective statewide health planning and resource development program.

Specifically, the measure:

- (1) Makes the Department of Health alternatively responsible for the State Health Planning and Development Agency's duties;
- (2) Transfers administrative responsibility of the state health planning and development special fund from the State Health Planning and Development Agency to an unspecified entity; and

(3) Requires that any moneys in excess of \$2,000,000 remaining in the state health planning and development special fund at the close of each fiscal year shall lapse to the credit of the general fund.

Your Committee received written comments in opposition to this measure from the State Health Planning and Development Agency and three individuals.

Your Committee received written comments on this measure from Hawaii Pacific Health and Healthcare Association of Hawaii.

Your Committee notes that the Governor has proposed reducing the scope of the State Health Planning and Development Agency and transferring the administration of the certificate of need program to the Department of Health. Your Committee finds that making the Department of Health alternatively responsible for the duties of the Agency will help to meet the Governor's budgetary goals. Your Committee also finds that excess moneys from the state health planning and development special fund should lapse to the credit of the general fund.

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. 1231, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1231, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 718 Ways and Means on S.B. No. 946

The purpose and intent of this measure is to establish a commercial rent relief grant program for certain qualifying owners of commercial, hotel and resort, and industrial properties.

Your Committee received written comments in support of this measure from the Chamber of Commerce Hawaii; Hawaii Farm Bureau; Island Business Management, LLC; Eggs 'n Things Hawaii, Inc.; Hawaii Association of REALTORS; NAIOP Hawaii; Maui Chamber of Commerce; Building Owners and Managers Association of Hawaii; Hawaii Food Industry Association; Morning Brew Cafe; Retail Merchants of Hawaii; Hawaii Restaurant Association; Round Table Pizza; CJ's New York Style Delicatessen/Restaurant; Hawaii Lodging and Tourism Association; Kaimuki Business Professional Association; and one individual.

Your Committee received written comments on this measure from the Department of Taxation.

Your Committee finds that, due to the coronavirus disease 2019 (COVID-19) pandemic and the downturn in the tourism industry, at least one thousand four hundred local businesses have permanently closed, and another two thousand businesses have suspended their operations temporarily. Your Committee recognizes that rental costs are among the largest expenses for businesses. Your Committee notes that as a number of businesses are not able to assume more debt and are not receiving sufficient governmental support, both lessors and lessees are absorbing rental costs. Your Committee believes that, if this situation continues, the State will see additional business closures, which will cause further damage throughout the tourism industry and in the state economy overall. Accordingly, businesses and landlords need appropriate relief, possibly through federal funds.

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. 946, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 946, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 719 Judiciary on S.B. No. 744

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 private correctional facilities; and
- (2) Prohibit the establishment of private correctional facilities in the State.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Americans for Democratic Action; Community Alliance on Prisons; Ohana Hoʻopakele; United Public Workers, AFSCME Local 646, AFL-CIO; American Civil Liberties Union of Hawaiʻi; Imua Alliance; 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 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. Your Committee further finds that private correctional facilities are not directly subject to the same requirements of a public correctional facility, such as Hawaii's Uniform Information Practices Act, although the Department of Public Safety may collect data from private facilities. This reduces transparency and public accountability in the State's criminal justice system.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 744, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 744, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Kim). Noes, none. Excused, none.

SCRep. 720 Judiciary on S.B. No. 1388

The purpose and intent of this measure is to:

- (1) Extend the period for a notice of summary possession from five days to fifteen;
- (2) Require landlords to provide notice with specified terms and enter into mediation;
- (3) Delay when a landlord may seek possession of a dwelling unit if the tenant schedules or attempts to schedule mediation;
- (3) Require landlords to provide the notice to mediation centers that offer free mediation for residential landlord-tenant disputes; and
- (4) Restrict when a landlord may exercise certain remedies depending on the amount of rent due.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawai'i Housing Finance and Development Corporation, Hawai'i Association of REALTORS, Catholic Charities Hawai'i, Hawaii Appleseed Center for Law and Economic Justice, Legal Aid Society of Hawai'i, and one individual. Your Committee received comments on this measure from the Medical-Legal Partnership Hawai'i.

Your Committee finds that, since the start of the coronavirus disease 2019 pandemic, the caseload of the courts concerning landlord-tenant disputes has doubled with nearly nine hundred cases being filed. The current environment for evictions due to non-payment has been, and will continue to be, very fluid as state and federal moratoriums for evictions due to non-payment of rent continue to be extended. Your Committee further finds that at some point, the moratoriums will expire and the large number of eviction cases will need to be addressed by the courts. This measure is intended to provide a balanced approach to allow landlords and tenants to resolve these outstanding claims in a manner that is flexible and equitable, as well as orderly.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 1388, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1388, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 721 Judiciary on S.B. No. 410

The purpose and intent of this measure is to add abuse of a family or household member to those felonies that qualify for repeat offender sentencing.

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, Domestic Violence Action Center, and two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that abuse of family or household member offenses are among the most repeated offenses. The seriousness of this violent crime warrants mandatory minimum sentencing to hold repeat offenders accountable. Your Committee further finds that amendments to the mandatory minimum sentencing law, section 709-606.5, Hawaii Revised Statutes, have not been comprehensive, and abuse of family or household member offenses were not added to the list of offenses that qualify for repeat offender sentencing.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 410, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 410, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 722 (Majority) Judiciary on S.B. No. 607

The purpose and intent of this measure is to:

- (1) Remove the construction completion deadline for the Leialii affordable housing project and Keawe Street apartments; and
- (2) Exempt the Leialii affordable housing project from the application of the historic preservation provisions of chapter 6E, Hawaii Revised Statutes.

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

Your Committee finds that there is a severe shortage of affordable rental housing in the county of Maui, particularly in the western part of the island. To remedy this problem, the Legislature appropriated funds to expedite and complete the Leialii affordable housing and the Keawe Street apartments housing projects, with the mandate that the projects be completed by 2022. However, in 2020 the State Historic Preservation Division of the Department of Land and Natural Resources notified the Hawaii Housing Finance and Development Corporation that it would require a new archaeological inventory survey for the entire Leialii and Keawe Street projects. Despite discussions between the Hawaii Housing Finance and Development Corporation, the State Historical Preservation Division, and Office of the Governor, no agreement could be reached and a new archaeological survey must be performed. In light of this new requirement, your Committee finds that the 2022 completion deadline imposed by the Legislature cannot be met.

Although the intent of the Legislature is to extend the deadline for completion of the Leialii affordable housing project, your Committee further finds that a broad exemption to the historic preservation protections of chapter 6E, Hawaii Revised Statutes (HRS), could cause significant negative impacts to burials and historic sites within and adjacent to the project. Your Committee additionally finds that any exemption to chapter 6E, HRS, should be as narrow as possible to minimize the risk of negative impact.

Your Committee has amended this measure by:

- (1) Narrowing the exemption from the requirements of chapter 6E, HRS, to apply only to the Keawe Street apartments; 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. 607, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 607, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 723 Judiciary on S.B. No. 4

The purpose and intent of this measure is to:

- (1) 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; and
- Require each county to submit a report on inclusionary zoning requirements to the Legislature every year until the Regular Session of 2026.

Your Committee received testimony in support of this measure from the Building Industry Association of Hawaii and one individual. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs and Department of Planning and Permitting of the City and County of Honolulu.

Your Committee finds that the State is experiencing a severe shortage of affordable housing. However, there has been a lack of measurable progress at the county level to enact policies that will stimulate housing production to meet the housing demand. Your Committee believes that 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 May 6, 2137, 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. 4, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 4, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Kim, Fevella). Noes, none. Excused, none.

SCRep. 724 Judiciary on S.B. No. 279

The purpose and intent of this measure is to require that in the event that one of the respective parties to a marriage contract is a minor and the other party is more than five years older than the minor, the Child Protective Services Unit of the Department of Human Services shall investigate and report to the family court of the circuit in which the minor resides before the marriage is approved.

Your Committee received testimony in support of this measure from Unchained at Last and three individuals. Your Committee received testimony in opposition to this measure from Tahirih Justice Center. Your Committee received comments on this measure from one individual.

Your Committee finds that Hawai'i's marriage laws currently permit minors to marry with parental or parental and judicial consent and is one of the remaining twenty-five states that has not passed any marriage age reforms. Between 2000 and 2010, over six hundred children were married in the State. This measure's preservation of Hawai'i's current minimum age of fifteen years old keeps the State as one of five nationwide that sets a statuory age floor below sixteen. Additionally, your Committee finds that child marriage can severely limit opportunities and poses risks to health, education, and economic freedom as minors often lack the rights and resources of adults, making them more vulnerable to coercion, predation, and risk of experiencing violence. Minors may be forced to stay in marriage because they cannot easily leave home, enter a domestic violence shelter, retain an attorney, or bring legal action, including seeking a legal protection order.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 279, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 279, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Gabbard). Noes, none. Excused, none.

SCRep. 725 (Majority) Judiciary on S.B. No. 664

The purpose and intent of this measure is to require the Department of Public Safety to develop the new Oahu Community Correctional Center (OCCC).

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, Department of Public Safety, and one individual. Your Committee received testimony in opposition to this measure from the American Civil Liberties Union Hawai'i, Young Progressives Demanding Action, Community Alliance on Prisons, 'Ekolu Mea Nui, and forty-six individuals.

Your Committee finds that a new correctional facility is needed for the Department of Public Safety to fulfill its mandate of providing safe and secure services to incarcerated individuals. The current facility is over one hundred years old and its aging buildings face escalating maintenance costs and contribute to the lack of a safe and efficient work environment. Additionally, the facility is unable to address detainees with special needs or mental health issues although at any given time between 9.5 and twelve percent of OCCC's population is deemed to fall into this category. Currently, OCCC is operating at one hundred twenty-seven percent of its capacity. The Department of Public Safety has estimated that a new 1,380-bed jail to replace OCCC would cost \$525,000,000 or \$380,000 per bed. Additionally, the State seeks to spend an additional \$45,000,000 to expand the Women's Community Correctional Center to accommodate the women previously held at OCCC.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 664, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 664, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 726 Judiciary on S.B. No. 756

The purpose and intent of this measure is to:

- (1) Authorize each county to adopt ordinances to enforce section 291-71, Hawaii Revised Statutes, including the establishment of penalties for failure to comply with its requirements or make reasonable efforts to maintain electric vehicle (EV) charging stations in working order;
- (2) Clarify that certain enforcement officers may enter private property to enforce EV parking space violations;
- (3) Require new EV charging systems installed pursuant to the EV charging system requirement to be at least Level 2 and internet-capable; and
- (4) Change EV charging equipped parking requirements per one hundred stalls from one stall by 2012 to five stalls by 2025 and ten stalls by 2030.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii State Energy Office, one member of the Maui County Council, Hawaiian Electric Company, Kauai Climate Action Coalition, Climate Reality Project – Hawaii Chapter, Ulupono Initiative, Hawaii Electric Vehicle Association, Our Revolution Hawaii, Climate Protectors Hawaii, 350Hawaii, Environmental Caucus of the Democratic Party of Hawai'i, Blue Planet Foundation, Tesla, and thirty individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii and Building Owners and Managers Association of Hawaii.

Your Committee finds that emissions from ground transportation account for the largest share of energy sector emissions in the State. Despite Hawai'i's statutory target to sequester more greenhouse gases than emitted no later than 2045, less than thirty percent of qualifying parking lots are in compliance with the requirements to designate and maintain a certain number of charging systems for EVs. This measure clarifies the authority to enforce and promote much needed compliance for EV charging infrastructure to help Hawai'i meet its clean energy goals.

Your Committee has amended this measure by:

- (1) Clarifying that new EV charging systems installed pursuant to the EV charging system requirement be at least Level 2 and network capable; 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. 756, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 756, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 727 Judiciary on S.B. No. 758

The purpose and intent of this measure is to increase from three grams to one ounce:

- (1) The minimum amount of marijuana that a defendant must possess to be charged with a petty misdemeanor; and
- (2) The maximum amount of marijuana that a defendant convicted of possessing marijuana could have possessed without being disqualified from the subsequent expungement of the record of that conviction.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Drug Policy Forum of Hawaii; Pono Hawaii Initiative; Young Progressives Demanding Action; Rainbow Family 808; We Are One, Inc.; Patients Without Time; Imua Alliance; Americans for Democratic Action; and fifty-seven individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney for the City and County of Honolulu, Maui Police Department, Hawaii Police Department, Honolulu Police Department, and one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that, over the past forty years, the "War on Drugs" in the United States has resulted in a series of often racist policies that have cost the taxpayers more than \$1,000,000,000,000, produced over forty million arrests, consumed law enforcement resources, contributed to alarming incarceration rates, and had a disproportionately devastating impact on communities of color. The native Hawaiian community has been particularly impacted, as they make up nearly thirty-seven percent of the State's prison population today. Additionally, a misdemeanor conviction can seriously impact a person's ability to obtain housing, education, and employment. The country is moving toward legalized and regulated adult use of recreational marijuana and decriminalizing small amounts can help eliminate race- and community-targeted enforcement, reduce over-incarceration, and allow law enforcement to focus on serious crime. Accordingly, this measure will assist in curbing ongoing systemic inequities related to drug enforcement.

Your Committee has amended this measure by decriminalizing the possession of thirty grams or less of marijuana, rather than one ounce

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. 758, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 758, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 728 Judiciary on S.B. No. 241

The purpose and intent of this measure is to authorize qualifying patients and qualifying out-of-state patients to transport cannabis between islands of the State for personal medical use.

Your Committee received testimony in support of this measure from the Drug Policy Forum of Hawai'i, Community Alliance on Prisons, Hawai'i Cannabis Industry Association, Big Island Grown Dispensaries, Hawai'i Patients Union, Akamai Cannabis Clinic, and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that currently licensed medical cannabis dispensaries are located only on Oahu, Hawai'i island, Maui, and Kaua'i. Because there are no dispensaries on Moloka'i, Lāna'i, and Ni'ihau, qualifying patients living on those islands have less access to legal medical cannabis than qualifying patients residing on other islands. Your Committee further finds that restricting the interisland transportation of cannabis by patients for their personal medical use is contrary to the intent of State laws authorizing qualifying patients to use medical cannabis. This measure will protect the rights of qualifying patients to use medical cannabis by specifically authorizing the interisland transportation of cannabis for personal medical use.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 241, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 241, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 729 Judiciary on S.B. No. 597

The purpose and intent of this measure is to allow candidates seeking election to use campaign funds for child and vital household dependent care costs under certain conditions.

Your Committee received testimony in support of this measure from Common Cause Hawaii, AAUW of Hawaii, and five individuals. Your Committee received comments on this measure from the Campaign Spending Commission.

Your Committee finds that parenthood and care for a candidate's dependents can be an unnecessary and unjust barrier to political office. A potential solution to this problem is to allow candidates for elected office to use campaign funds to defray the expensive costs of a candidate's child care or dependent family care. Your Committee further finds that a growing number of candidates and good governance organizations are pushing state legislatures and elections commissions to adopt similar proposals because it would encourage more women and low-income candidates to run for public office by clearing a restrictive financial barrier for parents and caregivers.

Your Committee has amended this measure by:

- (1) Specifying that a child for which care costs may be paid with campaign funds be under the age of twelve; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 597, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 597, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

SCRep. 730 Judiciary on S.B. No. 821

The purpose and intent of this measure is to:

- (1) Allow a minor who has reached the age of sixteen to petition the family court for emancipation, and direct the court regarding investigation of the petition, appointment of legal counsel and a guardian ad litem for the petitioner, and the findings necessary to grant the petition; and
- (2) Specify the rights gained by the minor upon emancipation and authorize the court to require the minor's parents or legal guardians to pay for any services ordered by the court.

Your Committee received testimony in support of this measure from the Hawai'i Youth Services Network, Harm Reduction Hawai'i, and one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that when a minor who has reached the age of sixteen petitions the family court for emancipation, the court must act to protect the best interests of the petitioning minor. Your Committee further finds that due to levels of physical and emotional maturity, comparatively low access to resources, and various legal requirements relating to age, safeguards must be established to ensure the minor is not inequitably disadvantaged.

Your Committee notes that other measures have been introduced in the current legislative session that regulate or restrict the ability of minors to marry, and that the potential for conflict between those measures and this measure should they all be enacted may merit further discussion as this measure proceeds through the legislative process.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 821, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 821, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 731 (Majority) Judiciary on S.B. No. 219

The purpose and intent of this measure is to impose extended terms of imprisonment for certain offenses against property rights committed on agricultural lands.

Your Committee received testimony in support of this measure from the Department of Agriculture and Ulupono Initiative. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Community Alliance on Prisons, and two individuals.

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, and public at-large, and acts as a deterrent to potential offenders.

Your Committee notes, however, that strict liability, the legal standard in which the state of mind of the offender is irrelevant, is generally reserved for the most egregious of crimes and circumstances, and that a requirement that the offender's presence on agricultural land is due at least to negligence is more appropriate.

Your Committee has amended this measure by:

- (1) Requiring an offense committed on agricultural lands to meet the legal standard of negligence or higher for an extended term of imprisonment to apply; and
- (2) Inserting an effective date of 5/6/2137, 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. 219, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 219, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 732 Judiciary on S.B. No. 1123

The purpose and intent of this measure is to:

- (1) Give counties jurisdiction over the infrastructure of the Department of Hawaiian Home Lands housing developments located within their boundaries under specific conditions; and
- (2) Require counties, under specific conditions, to commence maintenance on that infrastructure within sixty days, subject to tolling to comply with certain other laws.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and one individual. Your Committee received testimony in opposition to this measure from the Department of Water of the County of Kaua'i. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that, although Act 227, Session Laws of Hawaii 2014, clarified and confirmed that operating and maintaining sewer systems is a county function, the Department of Hawaiian Home Lands continues to maintain sewer systems on Hawaiian home lands until such time that Act 227 can be fully implemented in subdivisions completed after the mid-1990s. Your Committee further finds that the resources of the Department of Hawaiian Home Lands are more properly allocated to the development of housing rather than maintenance of infrastructure, such as waterlines and appurtenances, sewer lines, waste treatment systems, roadways, and street lighting that connects to county infrastructure.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1123, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1123, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 733 (Joint/Majority) Judiciary and Ways and Means on S.B. No. 1313

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

- List of conditionally approved animals for permitted importation into the State to include northern largemouth bass and butterfly peacock bass;
- (2) Department of Agriculture to only issue permits to the Department of Land and Natural Resources for importation of northern largemouth bass and butterfly peacock bass into Hawai'i for breeding and releasing; and
- (3) Department of Land and Natural Resources' Division of Aquatic Resources to establish a pilot project to restock the Wahiawa public fishing area with northern largemouth bass, butterfly peacock bass, or both.

Your Committees received testimony in support of this measure from the Hawaii Freshwater Fishing Association, Wahiawa Community Based Development Organization, and eight individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and Department of Agriculture.

Your Committees find that although freshwater bass have existed in the State's artificial reservoirs since 1896, attempts to import largemouth bass into the State to improve the fishing stock have faced regulatory restrictions. Your Committees further find that adding certain types of bass to the list of conditionally approved animals will allow the enhancement of pre-existing populations of bass for continued recreational fishing.

Your Committees considered testimony from the Department of Agriculture describing the process by which the Department places species onto the list of conditionally approved animals. Your Committees further find that adding types of bass to the list by statutory fiat unduly bypasses the procedures established by the Department.

Accordingly, your Committees have amended this measure by:

- (1) Removing the statutory requirement that northern largemouth bass and butterfly peacock bass be considered on the list of conditionally approved animals that require a permit for importation into the State;
- (2) Requiring the Department of Agriculture to engage in a review by January 1, 2022, of whether northern largemouth bass should be placed on the list of conditionally approved animals;
- (3) Requiring the Division of Aquatic Resources to establish the restocking pilot program and apply for a permit from the Department of Agriculture to import northern largemouth bass and butterfly peacock bass after they are placed on the list of conditionally approved animals;
- (4) Requiring the Division of Aquatic Resources, Department of Agriculture, and all other relevant boards and divisions, to work together until the restocking pilot program is successfully completed;
- (5) Changing the effective date to July 1, 2021; 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 S.B. No. 1313, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1313, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 6; Ayes with Reservations (Acasio). Noes, 1 (Fevella). Excused, none.

Ways and Means: Ayes, 9. Noes, 1 (Fevella). Excused, 1 (Wakai).

SCRep. 734 (Joint) Ways and Means and Judiciary on S.B. No. 1132

The purpose and intent of this measure is to ensure the economic viability of the State's Medicaid program.

Specifically, the measure ensures access to health care for Medicaid recipients by:

- (1) Establishing a Medicaid sustainability fee to be assessed on health insurers;
- (2) Establishing a Medicaid sustainability program special fund to receive money from the Medicaid sustainability fee and federal Medicaid matching funds; and
- (3) Using moneys from the Medicaid sustainability program special fund to pay for healthcare services covered under Medicaid.

Your Committees received written comments in support of this measure from the Department of Human Services and Hawaii Primary Care Association.

Your Committees received written comments in opposition to this measure from Ohana Health Plan.

Your Committees received written comments on this measure from Hawaii Medical Service Association.

Your Committees find that provider fees such as the Medicaid sustainability fee established by this measure are used in forty-nine other states and the District of Columbia as a means to draw down federal funds to sustain state Medicaid programs. Your Committees further find that the program established by this measure will help to guarantee access to critical Medicaid benefits, such as supportive housing, behavioral health, vaccinations, preventive health, primary care, and home- and community-based services, for the State's most vulnerable populations at a time when state budget constraints due to the coronavirus disease 2019 (COVID-19) pandemic may force reductions in payments.

Your Committees have amended this measure by:

- (1) Removing provisions providing for the reenactment of sections 36-27(a) and 36-30(a), Hawaii Revised Statutes, in the form in which they read on the day before the effective date of the measure;
- (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. 1132, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1132, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Wakai).

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 735 (Joint) Ways and Means and Judiciary on S.B. No. 1243

The purpose and intent of this measure is to phase out the use of privately-operated mainland correctional facilities to incarcerate Hawaii inmates and require the approval of the Hawaii Correctional System Oversight Commission to construct any new, or expand any existing, correctional facilities in the State.

Your Committees received written comments in support of this measure from the Office of the Public Defender; Office of Hawaiian Affairs; Common Cause Hawaii; Community Alliance on Prisons; Americans for Democratic Action; Imua Alliance; League of Women Voters of Hawaii; United Public Workers, AFSCME Local 646, AFL-CIO; American Civil Liberties Union of Hawaii; Hawaii Government Employees Association; Kokua Kalihi Valley Comprehensive Family Services; and numerous individuals.

Your Committees received written comments in opposition to this measure from the Department of Public Safety and one individual.

Your Committees received written comments on this measure from one individual.

Your Committees find that incarcerating Hawaii inmates in mainland facilities can have detrimental and destructive effects on the inmates, who are separated from their homes, cultures, families, job prospects, and community support systems. Your Committees further find that the Hawaii Correctional System Oversight Commission has the expertise needed to make decisions about any future correctional facility expansion or construction in the State.

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. 1243, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1243, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Wakai).

Judiciary: Ayes, 7; Ayes with Reservations (Kim). Noes, none. Excused, none.

SCRep. 736 Judiciary on S.B. No. 40

The purpose and intent of this measure is to allow owner-occupant projects to qualify, without income restrictions, as a housing project that may be exempt from certain statutes pursuant to the provisions of section 201H-38, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Land Use Research Foundation of Hawaii. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that a critical need exists for housing for low-income residents in the State. Your Committee further finds that state and county regulations increase the required time and financial investment for property development and that this increase, while necessary in many instances, has the potential to inflate the cost to produce new housing projects and homeownership opportunities. By providing Hawaii residents with more opportunities to purchase a home, the State would be moving toward fulfilling the housing objectives and policies for socio-cultural advancement outlined in the Hawaii State Planning Act, as codified in section 226-19, Hawaii Revised Statutes.

Your Committee notes a concern raised at hearing that exempting certain housing projects from regulations and safeguards under chapter 6E, Hawaii Revised Statutes, could lead to the disruption of burial sites or other historically and culturally important places, and that such concern may merit further discussion as this measure proceeds in the legislative process.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 40, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 40, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 737 Commerce and Consumer Protection on S.B. No. 611

The purpose and intent of this measure is to make permanent the regulation of behavior analysts.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Education, Department of Health, Hawaii Disability Rights Center, Hawaii State Teachers Association, Hawaiii Association for Behavior Analysis, Together For Our Keiki, and eighteen individuals.

Your Committee finds that, in 2015, Hawaii established the behavior analyst program within the Department of Commerce and Consumer Affairs and created licensing requirements for behavior analysts. The licensing program was implemented concurrently with mandated insurance coverage for diagnosis and treatment relating to autism disorders. Since then, almost five hundred behavior analysts have been licensed and over one thousand five hundred registered behavior technicians have been credentialed in Hawaii, allowing thousands of children and other individuals to receive access to applied behavior analysis services. In December 2020, the Auditor's sunrise analysis and final report supported the continued regulation of the applied behavior analysis profession, specifically finding that licensing requirements governing the practice of applied behavior analysis are reasonably necessary to protect the health, safety, and welfare of those receiving services and will ensure continued treatment for those with autism. This measure will maintain the regulation of behavior analysts to protect consumers and vulnerable keiki from unqualified practitioners and unprofessional conduct, and promote high quality services for those who need them.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 611, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 738 Commerce and Consumer Protection on S.B. No. 1258

The purpose and intent of this measure is to allow for standard telephone contacts for telehealth purposes.

Your Committee received testimony in support of this measure from Hawaii Medical Association; University of Hawaii System; AARP Hawaii; Hawaii Substance Abuse Coalition; Advanced Reproductive Medicine & Gynecology of Hawaii, Inc. dba Fertility Institute of Hawaii; Ka'u Wellness, Primary Care Clinic; Hawaii Primary Care Association; Waianae Coast Comprehensive Health Center; Hawaii Psychological Association; American College of Obstetricians and Gynecologists; Hawaii Psychiatric Medical Association; and twenty-five individuals. Your Committee received testimony in opposition to this measure from Hawaii Association of Health Plans. Your Committee received comments on this measure from the Department of Human Services, Kaiser Permanente Hawaii, and Hawaii Medical Service Association.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic has resulted in an increased use of telehealth services and has further exposed the challenges that remain with internet connectivity, bandwidth, devices, and digital literacy. During the onset of the COVID-19 pandemic, it was found that existing law concerning telehealth services needed to be clarified to allow for the use of telephone visits (i.e., audio-only) for telehealth purposes, as telephone-only visits have proven to be absolutely critical for maintaining connection and care for those who do not have access to smart phones, devices, or computers with webcams. The elderly and high-risk patients who reside in medically-underserved areas often face barriers that can impede seeking care or following up after a doctor's appointment or hospitalization. Therefore, this measure will help improve access to care by allowing standard telephone contacts for the purpose of providing telehealth services.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1258, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 739 (Joint) Commerce and Consumer Protection and Judiciary on S.B. No. 474

The purpose and intent of this measure is to ensure that buyers of coastal property understand the hazards and risks they are assuming in purchasing oceanfront property. Specifically, this measure requires that sellers of residential real property disclose whether a residential real property lies within a 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, Hawaiii Association of REALTORS, Surfrider Foundation Hawaii Region, Sierra Club of Hawaii, Hawaii Shore & Beach Preservation Association, Imua Alliance, Hawaii Reef Ocean Coalition, and six individuals.

Your Committees find that coastal properties are vulnerable to erosion due to shoreline recession and land loss. A historical lack of understanding of these risks has resulted in a legacy of encroaching development built without sufficient setbacks on eroding shorelines. Therefore, permitted and unpermitted construction of sea walls and other shoreline hardening structures, such as seawalls and rock revetments, is generally prohibited for private properties fronting beaches pursuant to chapter 205A, Hawaii Revised Statutes. Additionally, recent science points to a likelihood of three feet or more of sea level rise in the second half of the century, within the expected lifespan of most existing and new development. Your Committees further find that it is important for buyers to understand the hazards and risks they are assuming in purchasing oceanfront property since the value of property lying within the boundaries of a sea level rise exposure area will likely be affected over time, and this risk is a material fact that should be disclosed by the seller in a real property transaction in accordance with chapter 508D, Hawaii Revised Statutes, to allow for informed decision-making by buyers.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 474, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 740 (Joint) Judiciary and Ways and Means on S.B. No. 912

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;
- (2) Authorize designated beneficiaries to receive the reduced ERS benefits to which the member, former member, or retirant would be entitled upon the death of the member, former member, or retirant; and
- (3) Prohibit designated beneficiaries convicted of a felony under the same set of circumstances as the member, former member, or retirant who was subject to forfeiture of ERS benefits from receiving benefits.

Your Committees received testimony in support of this measure from the Hawai'i State Ethics Commission, Common Cause Hawaii, and seven individuals.

Your Committees find that while existing law requires an employee of the State or county who is convicted of a felony to have their employment terminated, the employee is still entitled to receive benefits from the ERS. Public employees who have been convicted of a felony that is directly related to the employee's position or duties ultimately lose the trust of the public by misusing their position and therefore should no longer be eligible to receive benefits accrued during their employment with the State or county. Your Committees further find that beneficiaries who were convicted of a felony based on the same set of circumstances as the member, former member, or retirant who was subject to forfeiture of their retirement benefits, should also not be allowed to receive ERS benefits. This measure will prohibit public employees and their beneficiaries from reaping ERS benefits should they be convicted of a felony relating to their employment, thereby restoring confidence in Hawai'i's government.

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. 912, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 741 Judiciary on S.B. No. 382

The purpose and intent of this measure is to include tips or gratuities that are paid directly to an employee by a customer of the employer and reported or declared to the employer, for the purposes of an employer withholding income from an employer for payment of the employee's child or spousal support under an assignment or income withholding order.

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 more than the tip credit amount are not considered earnings for purposes of the Consumer Credit Protection Act, Title III. Thus, this measure seeks to include all received tips and gratuities in the definition of "income" withheld by employers for payments of child or spousal support and 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. 382 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

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

SCRep. 742 (Joint/Majority) Ways and Means and Judiciary on S.B. No. 676

The purpose and intent of this measure is to increase the minimum wage from \$10.10 per hour to \$12.00 per hour beginning on July 1, 2022.

Your Committees received written comments in support of this measure from the Department of Labor and Industrial Relations; Americans for Democratic Action; Community Alliance on Prisons; Community Alliance Partners; Danielle Beaver, Attorney at Law; Faith Action for Community Equity; Foresight/Policy Analysis; Hawaii Alliance for Community-Based Economic Development; Hawaii Alliance for Progressive Action; Hawaii Appleseed Center for Law and Economic Justice; Hawaii Democratic Women's Caucus; Hawaii Health and Harm Reduction Center; Hawaii Public Health Institute; Hawaii State Teachers Association; Hawaii Workers Center; ILWU Local 142; Kokolulu Farm and Cancer Retreats Inc.; League of Women Voters Hawaii; LGBT Caucus of the Democratic Party of Hawaii; Living Wage Hawaii; Paradise Production Studios, Inc.; Pono Hawaii Initiative; Pride at Work - Hawaii; Save Medicaid Hawaii; Sierra Club of Hawaii; St Elizabeth's Church; United Public Workers, AFSCME Local 646; Young Progressives Demanding Action; and numerous individuals.

Your Committees received written comments in opposition to this measure from Chamber of Commerce Hawaii; Envisions Entertainment; Gyotaku Restaurants; Hawaii Food Industry Association; Hawaii Lodging and Tourism Association; Hawaii Restaurant Association; Hawaii Transportation Association; Hawaiian Chip Company, LLC; Highway Inn; Honolulu County Republican Party; IL Gelato Hawaii; Island Plastic Bags, Inc.; Jade Food Products, Inc.; Kona-Kohala Chamber of Commerce; Maui Chamber of Commerce; Molokai Sea Farms; National Federation of Independent Business; Pacific Mirror and Glass; Retail Merchants of Hawaii; Tiki's Grill and Bar; and six individuals.

Your Committees received written comments on this measure from Common Cause Hawaii, Democratic Party of Hawaii Education Caucus, Imua Alliance, The Heartland Institute, and two individuals.

Your Committees find that increasing the minimum wage to \$12.00 per hour is an appropriate way to address inflation and the increased cost of living in the State.

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. 676, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9; Ayes with Reservations (Fevella). Noes, 2 (Inouye, Wakai). Excused, none.

Judiciary: Ayes, 5; Ayes with Reservations (Acasio, Gabbard, Fevella). Noes, none. Excused, 2 (Keohokalole, Kim).

SCRep. 743 Human Services on Gov. Msg. Nos. 557 and 558

Recommending that the Senate advise and consent to the nominations of the following:

STATE REHABILITATION COUNCIL

G.M. No. 557 CATHERINE TAYLOR, for a term to expire 06-30-2022; and

G.M. No. 558 VICTORIA KENNEDY, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Catherine Taylor and Victoria Kennedy for service on the State Rehabilitation Council.

CATHERINE TAYLOR

Your Committee received testimony in support of the nomination of Dr. Catherine Taylor from the Department of Human Services, Division of Vocational Rehabilitation.

Upon review of the testimony, your Committee finds that Dr. Taylor's experience, commitment to public service, and proven leadership qualify her for appointment to the State Rehabilitation Council.

Your Committee finds that Dr. Taylor's background in education and disability advocacy, desire to contribute to the community, and interest in serving the public qualify her for appointment to the State Rehabilitation Council, where she will be a representative for the disability groups representing a cross section of individuals with physical, cognitive, sensory, and mental disabilities and also satisfy the requirement of having a member from Maui. Your Committee finds that Dr. Taylor has been a licensed mental health counselor and behavioral specialist since 2008. Your Committee also notes that Dr. Taylor's education credentials include a Doctorate in Education, specializing in exceptionalities, and a Master of Science degree in rehabilitation counseling. For more than fifteen years, Dr. Taylor has dedicated her career to advancing the needs of individuals with disabilities or special needs.

Your Committee further finds that Dr. Taylor's commitment to championing those with disabilities or other special needs is laudable. From her work as a behavioral health specialist, focusing on children with autism and traumatic brain injuries, to her leadership as a counselor for disability services at the University of Hawaii, Maui College, to her current position as a special education and science teacher at the Iao School and Maui High School, Dr. Taylor continues to demonstrate her commitment to service in this area. Importantly, your Committee notes that Dr. Taylor has extensive knowledge and understanding of working with individuals with disabilities and supporting their educational needs as they transition to employment and post-secondary education. Dr. Taylor has worked closely with the Division of Vocational Rehabilitation counselors in facilitating the transition of individuals with disabilities into the workforce and into vocational and college programs, a need that has been underscored during the coronavirus disease 2019 pandemic.

VICTORIA KENNEDY

Your Committee received testimony in support of Ms. Kennedy's nomination from the Department of Human Services, Division of Vocational Rehabilitation; City and County of Honolulu Department of Parks and Recreation; University of Hawai'i at Manoa; and Hawaii Fi-Do Service Dogs.

Your Committee finds that Ms. Kennedy's background in education and disability advocacy, desire to contribute to the community, and interest in serving the public qualify her for appointment to the State Rehabilitation Council. Ms. Kennedy has dedicated more than thirty years to advocacy for individuals who are blind or visually impaired. Specifically, Ms. Kennedy has spent a significant portion of her career to developing programs that focus on guide dogs for the blind. She continues to give presentations about guide dogs to service organizations and schools. Ms. Kennedy also trains blind individuals on assistive aides such as iPhones and the Victor Reader Stream, a handheld digital media player that provides an opportunity for blind and visually impaired persons to listen to books, newspapers, music, and internet radio stations.

Your Committee further finds that serving on the Council will provide another hands-on opportunity for Ms. Kennedy to continue to advocate for people who need more-accessible media to participate in everyday government activities, which sighted people take for granted. Your Committee also finds Ms. Kennedy's first-hand experiences with blindness, educating the public on individuals who are blind or visually impaired, and her work for the legitimacy of service animals, equips her with the type of knowledge and leadership that will make her an asset as a member of the State Rehabilitation Council. Finally, your Committee notes that Ms. Kennedy's visual impairment disability, satisfies the requirement of section 348-8(a), Hawaii Revise Statutes, that "a majority of the council members shall be persons who have disabilities and are not employed by the vocational rehabilitation division of the department."

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 Chair on behalf of the Committee.

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

SCRep. 744 (Joint) Government Operations and Ways and Means on S.B. No. 83

The purpose and intent of this measure is to designate November 28 of each year as La Kuʻokoʻa, Hawaiian Recognition Day, which shall not constitute a state holiday.

Your Committees received testimony in support of this measure from two individuals. Your Committees received comments on this measure from one individual.

Your Committees find that Hawaii's special heritage and the various holidays currently celebrated distinguishes Hawaii from other states. La Kuʻokoʻa, Hawaiian Recognition Day, commemorates that during the reign of Kamehameha III, Great Britain and France recognized the independence of the Hawaiian Kingdom by joint proclamation on November 28, 1843. The United States followed on July 6, 1844. The first official celebration of La Kuʻokoʻa occurred in 1847. Acknowledging La Kuʻokoʻa, or Hawaiian Recognition Day, is an appropriate and meaningful way to recognize and celebrate the culture and history of Hawaii.

As affirmed by the records of votes of the members of your Committees on Government Operations and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 83, 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. Government Operations: Ayes, 5. Noes, none. Excused, none. Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 745 (Joint) Government Operations and Ways and Means on S.B. No. 939

The purpose and intent of this measure is to establish June 19 of each year as Juneteenth Day in recognition of the history and legacy of slavery in the United States and in honor of the significant roles and contributions of African Americans in the history of the United States.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, two members of the Honolulu City Council, one member of the Hawai'i County Council, one member of the Kaua'i County Council, Common Cause Hawaii, Young Progressives Demanding Action, Punahou Black Student Union, Community Alliance on Prisons, Hawaii for Juneteenth Coalition, and nineteen individuals.

Your Committees find that Hawaii is one of only three states that have not recognized Juneteenth as a state holiday or special day of observance. Juneteenth, also known as Freedom Day, was the day in 1865 that Union soldiers rode into Galveston, Texas, declaring the end of the Civil War and that all slaves were free. The holiday is a celebration of African American freedom and achievement, encouraging continuous self-development and respect for all cultures. Your Committees further find that as a state that prides itself on diversity and inclusivity, it is long overdue for the State to fully live out the Aloha spirit and stand with the forty-six states that have chosen to make Juneteenth an annual day of remembrance and celebration.

As affirmed by the records of votes of the members of your Committees on Government Operations and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 939 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. Government Operations: Ayes, 5. Noes, none. Excused, none. Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 746 Judiciary on S.B. No. 404

The purpose and intent of this measure is to:

- (1) Increase the monetary threshold that requires disclosure of electioneering communications;
- Require that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed; and
- (3) Classify election advertisements sent by mail at any postal rate, and election advertisements that are expenditures of an organization, as electioneering communications.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and Common Cause Hawaii.

Your Committee finds that the contracts for campaign advertisements can occur weeks or months before the advertisements are publicly distributed. Your Committee further finds that changing the disclosure date to the date on which the advertisement runs and triggering the requirement to file a statement of information at that time will increase public transparency and accountability in campaign advertising. Your Committee additionally finds that increasing the threshold amount for filing a statement of information from \$2,000 to \$5,000 will reduce the burden on smaller candidate committees that generally engage in less advertising.

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. 404 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, 7. Noes, none. Excused, none.

SCRep. 747 (Joint) Government Operations and Ways and Means on S.B. No. 82

The purpose and intent of this measure is to:

- (1) Require each new member of a board or commission to participate in a formal educational and orientation session with the head of the department with jurisdiction of that member's board or commission to receive voting rights; and
- (2) Require each department and agency to train their members at least once per calendar year.

Your Committees received testimony in support of this measure from the Hawai's State Ethics Commission, Hawaii Paroling Authority, and three individuals. Your Committees received testimony in opposition of this measure from the Department of Agriculture and four individuals. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Land and Natural Resources, Department of Human Services, Department of Accounting and General Services, Land Use Commission, Hawaii Employer-Union Health Benefits Trust Fund, Executive Office on Early Learning, and one individual.

Your Committees find that reports from the Office of the Auditor have indicated that various state board members and staff are unfamiliar with the applicable laws and statutes that are relevant to the work of the board or commission on which they sit. Your Committees also find that although some departments train the members of their boards and commissions, this is not a consistent practice throughout the State. This measure would ensure that board and commission members have appropriate training to effectively fulfill their responsibilities.

Your Committees heard testimony regarding concerns that the requirement for newly appointed board members to complete training before receiving voting rights will limit the board or commission's ability to meet quorum requirements and take action on pending board matters that require a vote.

Accordingly, your Committees have amended this measure by:

(1) Moving the proposed language from section 26-35.5, Hawaii Revised Statutes, relating to liability matters of members of boards and commissions, to section 26-34, Hawaii Revised Statutes, relating to the selection and terms of members of boards and commissions;

- (2) Clarifying each new board and commission member shall participate in an orientation and training session;
- (3) Allowing the designee of the head of the department or agency to conduct the training;
- (4) Removing the requirement for members to complete training before receiving voting rights;
- (5) Specifying that the initial training include the mission, roles, and responsibilities under applicable federal, state, and local laws; programs; processes and procedures; and statutes relevant to the work of the board or commission on which the member sits:
- (6) Requiring the annual training to supplement the initial training; 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 Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 82, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 82, S.D. 2, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 11; Ayes with Reservations (Taniguchi, Fevella). Noes, none. Excused, none.

SCRep. 748 (Majority) Judiciary on S.B. No. 301

The purpose and intent of this measure is to:

- (1) Define "assault rifle" and "assault shotgun";
- (2) Expand the ban on pistols with a detachable magazine with over ten round capacity to any firearm with a detachable magazine with over ten round capacity;
- (3) Prohibit anyone from bringing or causing to be brought into the State an assault rifle or assault shotgun; and
- (4) Prohibit the sale or transfer of any assault rifle or assault shotgun in the State, unless sold or transferred to an authorized person.

Your Committee received testimony in support of this measure from Americans for Democratic Action, Church of the Crossroads, and eleven individuals. Your Committee received testimony in opposition to this measure from the Maui Police Department, National Rifle Association; Hawaii Firearms Coalition; Pu'uloa Rifle and Pistol Club; Bushido Arms and Ammunition, LLC; Hawaii Rifle Association; Aloha Freedom Coalition; Young Guns; Berean Beacon Ministry; Valley Isle Sport Shooters; National Shooting Sports Foundation; and over one thousand one hundred individuals.

Your Committee finds that Hawai'i has some of the strongest gun safety laws in the nation and, in 2016, the State received an Aminus rating from the Giffords Law Center to Prevent Gun Violence. Your Committee further finds that Hawai'i had the lowest number of gun deaths per capita among the states in 2017, according to the Centers for Disease Control and Prevention. Your Committee additionally finds that a ban on pistols with a detachable magazine with over ten round capacity has existed in the State since 1992. Although your Committee also finds that the State is committed to protecting the safety and well-being of its citizens, your Committee notes that ambiguity exists in the terminology used to describe firearms such as assault rifles and assault shotguns. Your Committee believes that further discussion on such ambiguities warrants continued discussion.

Accordingly, your Committee has amended this measure by:

- (1) Removing language defining "assault rifle" and "assault shotgun";
- (2) Removing language prohibiting anyone from bringing or causing to be brought into the State an assault rifle or assault shotgun:
- (4) Removing language prohibiting the sale or transfer of any assault rifle or assault shotgun in the State, unless sold or transferred to an authorized person; 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. 301, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 301, 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, 3 (Acasio, Gabbard, Fevella). Excused, none.

SCRep. 749 Judiciary on S.B. No. 405

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 of the date the contribution was received.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, League of Women Voters of Hawaii, and five individuals.

Your Committee finds that the Hawaii Election Campaign Fund was established to be used for partial public financing of campaigns of the State and its political subdivisions. Your Committee further finds that demand for financing from this fund often outstrips the

available resources. Providing that excess contributions by nonresident contributors shall escheat to the fund if not returned to the contributor within thirty days compliments existing law and will help ensure adequate funding for the partial public financing program. However, your Committee additionally finds that it is often not possible to determine whether the amount of a nonresident contribution is excessive until after thirty days have passed since the contribution was made.

Accordingly, your Committee has amended this measure by:

- (1) Providing that excess contributions by nonresidents shall escheat to the Hawaii Election Campaign Fund if not returned to the contributor within thirty days of the end of the election period;
- Allowing the candidate, candidate committee, or noncandidate committee to choose which excess contributions by nonresident contributors to return; 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. 405, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 405, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 750 Judiciary on S.B. No. 528

The purpose and intent of this measure is to:

- (1) Require printed and electronic political advertising to prominently display candidate-approval language on each page; and
- (2) Increase the fine for violations.

Your Committee received testimony in support of this measure from Common Cause Hawaii and twelve individuals. Your Committee received comments on this measure from the Campaign Spending Commission.

Your Committee finds that pieces of advertising are frequently presented in such a way that their nature as advertisements is not obvious, and that this can be done with political advertising as well. Your Committee further finds that political advertising with multiple pages may contain the required candidate-approval language in a place or manner that is not immediately apparent to the viewer. Requiring candidate-approval language more frequently throughout a multi-page advertisement will make its nature more apparent and increase transparency in political advertising.

Your Committee notes that political candidates occasionally release longer pieces of literature not directly related to politics, such as cookbooks, as part of their campaign, and that it is unlikely that candidate-approval language would be beneficial or necessary throughout such a piece of literature.

Your Committee has amended this measure by:

- (1) Requiring political advertising to prominently display candidate-approval language only on each odd-numbered page;
- (2) Retaining existing fines 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. 528, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 528, 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 (Acasio). Noes, none. Excused, none.

SCRep. 751 Judiciary on S.B. No. 1050

The purpose and intent of this measure is to authorize the Department of the Attorney General to search criminal histories and fingerprint records of current and prospective employees and contractors who receive access to federal tax information.

Your Committee received testimony in support of this measure from the Department of Taxation, Department of the Attorney General, and Department of Human Resources Development.

Your Committee finds that the Internal Revenue Service requires that background checks be performed on all current and prospective employees and contractors who receive access to federal tax information. The background checks must be comprehensive and must include a state and Federal Bureau of Investigation fingerprint-based background check. Your Committee further finds that the Department of the Attorney General does not currently have the authority to perform criminal history and fingerprint record searches to fulfill this requirement from the Internal Revenue Service. This measure will authorize the Department of the Attorney General to conduct the investigations necessary to meet that requirement.

Your Committee has amended this measure by:

- (1) Removing the exemption from chapter 91, Hawaii Revised Statutes, for criminal history record check investigations performed by the Department of the Attorney General; 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. 1050, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1050, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 752 Judiciary on S.B. No. 159

The purpose and intent of this measure is to:

- (1) Require any person who is eligible to vote and applies for a motor vehicle driver's license or identification card to be automatically registered to vote unless the applicant affirmatively declines;
- (2) Allow an applicant to affirmatively decline to have any of the applicant's information electronically transmitted; and
- (3) Authorize access to and electronic transmission of databases maintained or operated by the counties or the Department of Transportation that contains driver's license or identification card information to election officials and the online voter registration system.

Your Committee received testimony in support of this measure from the Department of Transportation; Office of Elections; Hawai'i State Commission on the Status of Women; Office of the Kauai County Clerk; League of Women Voters; LGBT Caucus of the Democratic Party of Hawai'i; Common Cause Hawaii; Automatic Voter Registration Hawai'i Coalition; Hawai'i Women's Coalition; Hawai'i Health & Harm Reduction Center; AARP Hawai'i; American Civil Liberties Union of Hawai'i; Hawai'i Democratic Party Women's Caucus; Planned Parenthood Votes Northwest and Hawaii; American Association of University Women of Hawai'i Health Institute; Earth Medicine Institute; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Community Alliance on Prisons; Hawaii State Teachers Association; Hawaii Friends of Civil Rights; Save Medicaid Hawaii; and thirty-two individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that increased voter engagement and participation is beneficial to the civic health of the State, and that increased voter registration is a vital step in this process. Your Committee further finds that automatic voter registration will make voter rolls more accurate and secure by helping to keep them updated and current. This measure will provide more access to voter registration and ensure the accuracy of voter registration rolls by transmitting voter registration data between the driver licensing and identification card database and the statewide voter registration system.

Your Committee has amended this measure by:

- (1) Requiring information about the residence address confidentiality program to be provided to applicants;
- (2) Removing redundant language prohibiting the Examiner of Drivers from transmitting information that the applicant affirmatively declines to be transmitted;
- (3) Prohibiting the Examiner of Drivers from transmitting information if the applicant presents a document demonstrating a lack of United States citizenship;
- (4) Clarifying that information to be transmitted includes changes to an applicant's voter registration information;
- (5) Clarifying that databases containing driver's license or identification card information shall be "accessible" instead of "directly accessible" to election officials and the online voter registration system; 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 S.B. No. 159, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 159, 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 (Fevella). Noes, none. Excused, none.

SCRep. 753 Judiciary on S.B. No. 1034

The purpose and intent of this measure is to:

- (1) Allow boards to use interactive conference technology to remotely conduct public meetings under the Sunshine Law;
- (2) Authorize boards to exclude the public from nonpublic locations, such as homes, where board members are physically present when remote board meetings are held by interactive conference technology;
- (3) Establish requirements for notice, procedures, and the conduct of remote meetings;
- (4) Amend existing option to hold in-person meetings at multiple public meeting sites connected by interactive conference technology to require termination of meeting only if audio communication is lost and cannot be reestablished within an hour and the board had not provided reasonable notice of how the meeting would be continued;
- (5) Allow for additional courtesy sites open to the public for both remote and in-person meetings held by interactive conference technology; and
- (6) Allow for contact tracing and social distancing in a pandemic.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Public Safety, Hawai'i Civil Rights Commission, Hawaii State Council on Developmental Disabilities, Office of Information Practices, Hawaii Public Housing Authority, Disability and Communication Access Board, University of Hawai'i System, Civil Beat Law Center for the Public Interest, Common Cause Hawaii, National Federation of the Blind of Hawaii, Hawaii Community Development Authority, Big Island Press Club, Society of Professional Journalists Hawaii Chapter, All Hawaii News, League of Women Voters of Hawaii, 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 Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund, and one individual.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic forced the implementation of emergency measures suspending certain requirements of the State's Sunshine Law in order to allow boards to continue meeting and conducting necessary business, while protecting participants' health and safety and expanding public access to meetings throughout the State. Your Committee further finds that, during the COVID-19 pandemic, remote meetings help to prevent the spread of disease and that, even when there is not an ongoing pandemic, remote meetings can be a way to protect the health and safety of participants. Your Committee additionally finds that remote meetings can enable members of a board or the public to participate in meetings even if they live far from the physical location of a meeting or on another island.

Your Committee has amended this measure by:

- (1) Deleting language from the purpose section;
- (2) Requiring that the mandatory public meeting location for a remote meeting be connected by audio-visual connection;
- (3) Requiring the notice of a remote meeting to include information on how to access captioning services;
- (4) Requiring that, if the connection to an additional public location is interrupted in a way that interferes with an Americans with Disabilities Act (ADA) accommodation, the meeting shall be recessed until the connection is restored and, if the connection is not restored in a timely fashion, the meeting shall be terminated;
- (5) Requiring all remotely conducted meetings to utilize captioning services through the streaming provider or an outside service;
- (6) Requiring that all votes conducted during a remote meeting be taken by roll call;
- (7) Requiring additional public locations to include accommodations for persons with disabilities pursuant to the ADA upon request from a member of the public;
- (8) Reducing the time a meeting may be recessed to correct a technical or connection problem from one hour to twenty minutes;
- (9) Deleting language that would have allowed for contact tracing during a pandemic;
- (10) Specifying that "interactive conference technology" is accessible to and usable by individuals with disabilities;
- (11) Requiring notice of a meeting to include instructions on how to request accommodations due to disabilities for all locations specified in the notice:
- (12) Inserting an effective date of May 6, 2137, to encourage further discussion; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1034, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1034, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 754 Judiciary on S.B. No. 829

The purpose and intent of this measure is to add coercive control between family or household members to the offense of abuse of family or household members as a petty misdemeanor.

Your Committee received testimony in support of this measure from the Hawai'i State Coalition Against Domestic Violence, Domestic Violence Action Center, Rainbow Family 808, Hawai'i's Early Childhood Action Strategy, AAUW of Hawai'i, Ho'ola Na Pua, and three individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the Honolulu Police Department.

Your Committee finds that abuse between family or household members takes many forms and coercive control is often part of the cycle of domestic violence. Your Committee further finds that coercive control is defined under section 586-1, Hawaii Revised Statutes, in part as "a pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse that is used to harm, punish, or frighten an individual." Your Committee additionally finds that coercive behaviors often carry a threat of violence or are direct precursors to violence.

Your Committee also finds that Act 19, Regular Session of 2020, established a five-year pilot program to strengthen state and county responses to domestic violence and increase offender accountability. Part of this pilot program was the establishment of a petty misdemeanor offense within abuse of a family or household member. Your Committee further finds that the addition of coercive control as a petty misdemeanor offense should be placed within the pilot program established by Act 19, Regular Session of 2020.

Accordingly, your Committee has amended this measure by:

- (1) Including coercive control as part of the petty misdemeanor offense of abuse of a family or household member to the pilot program established by Act 19, Regular Session of 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 S.B. No. 829, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 829, 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 (Acasio). Noes, none. Excused, none.

SCRep. 755 Transportation on S.B. No. 112

The purpose and intent of this measure is to make it a misdemeanor to engage or facilitate flying without a valid pilot license.

Your Committee received comments on this measure from one individual.

Your Committee finds that flying without a license is a threat to public safety. This measure makes flying without a license a misdemeanor. Your Committee notes that it did not receive any testimony on this measure from the Department of Transportation, representatives of the airlines or airports, or experts in aviation, which limited the ability of your Committee to make amendments or receive answers to questions. It is the desire of your Committee that, should this measure advance, the various stakeholders and experts take the opportunity to testify and ensure that some of the questions that have been raised may be answered.

Your Committee has amended this measure by:

- (1) Adding the definition of "pilot license";
- (2) Including an exemption to ensure that student pilots who are in training but are not yet licensed will not be penalized for flying; provided they have a student certificate; and
- (3) Inserting an effective date of January 1, 2050, to encourage further discussion.

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. 112, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 112, S.D. 2, 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. 756 Health on S.B. No. 89

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 amend the date after which qualifying patients must obtain medical cannabis or manufactured cannabis products only from a licensed dispensary or by cultivating cannabis as permitted by law from December 31, 2023, to December 31, 2021.

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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 89, as amended herein, and recommends that it be recommitted to your Committee on Health, in the form attached hereto as S.B. No. 89, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

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

SCRep. 757 Judiciary on S.B. No. 697

The purpose and intent of this measure is to establish January of each year as "Kalaupapa Month".

Your Committee received testimony in support of this measure from the Department of Health, Ka 'Ohana O Kalaupapa, and three individuals.

Your Committee finds that in 1865, the Kingdom of Hawai'i passed "An Act to Prevent the Spread of Leprosy", which required the Board of Health to "cause to be isolated and confined . . . all leprous patients who shall be deemed capable of spreading the disease of leprosy." Leprosy, also known as Hansen's disease, is an infection caused by *mycobacterium leprae*, a slow-growing bacteria, that can affect the nerves, skin, eyes, and lining of the nose, and if left untreated can result in the crippling of hands and feet, paralysis, and blindness. Though it is now known that leprosy does not spread easily and there is effective treatment, for many years it was feared as a highly contagious and devastating disease. Accordingly, to prevent the spread of leprosy, the Kingdom bought eight hundred acres of land on the remote Kalaupapa peninsula of Moloka'i in order to forcibly remove from the general population individuals believed to have leprosy.

Your Committee further finds that on January 6, 1866, twelve citizens of Hawai'i 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 on January 3, 1840, Jozef De Veuster was born in Belgium. Later ordained in Honolulu and known as Father Damien, he arrived at Kalaupapa in 1873 and spent sixteen years of his life caring for the people of Kalaupapa, ministering to them, building houses, churches, and tending to their medical needs, until his death at age 49 in 1889. Your Committee also finds that on January 23, 1838, Barbara Koob was born in Germany. She later became a member of the Sisters of St. Francis of Syracuse, New York, and eventually

became known as Mother Marianne Cope. She spent thirty years at Kalaupapa, supervising the Bishop Home for Single Women and Girls and serving as a leader in the community. Your Committee further finds that, given the significance of the month of January on Kalaupapa peninsula, it is appropriate to designate that month as Kalaupapa month.

Your Committee has amended this measure by:

- Adding an explanation to the statutory language regarding the significance of selecting January to designate as Kalaupapa month;
- (2) Revising the preamble to better explain the significance of Kalaupapa peninsula and why January has been selected as Kalaupapa month;
- (3) Removing references to a specific organization in the preamble; 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. 697, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 697, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 758 Judiciary on S.B. No. 826

The purpose and intent of this measure is to:

- (1) Prohibit a sex offender from residing within two thousand feet of the sex offender's former victim or the victim's immediate family members; and
- (2) Require the sex offender to receive approval from the Attorney General prior to a change in address.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Rainbow Family 808, Early Childhood Action Strategy, Sex Abuse Treatment Center, and two individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of Public Safety, Office of the Public Defender, and one individual. Your Committee received comments on this measure from the Hawaii Paroling Authority.

Your Committee finds that the trauma of sexual assault can be multifaceted and long-lasting. Survivors of sexual assault frequently report experiencing an ongoing sense of fear and torment if their assailant lives near to them. Additionally, survivors who do not know where their assailant is often experience a state of hypervigilance and chronic stress. This measure will prohibit sex offenders from residing within two thousand feet of the offender's victim or immediate family members and require sex offenders to receive approval from the Attorney General prior to a change in address.

Your Committee notes a concern raised in testimony that enforcing a prohibited radius within which an offender may not reside could have the unintended effect of informing the offender of the location of the victim, and that a potential solution would be for victims to inform the Department of the Attorney General where they live and have the Department compare the victim's address of residence to the offender's address of residence to ensure there is no violation. Your Committee finds that this consideration may merit further discussion as this measure proceeds in the legislative process.

Your Committee has amended this measure by applying the residential restriction to sex offenders only, rather than covered offenders, to bring the measure within the purview of its title.

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. 826, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 826, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 759 Judiciary on S.B. No. 1260

The purpose and intent of this measure is to:

- Eliminate the use of monetary bail and require defendants to be released on their own recognizance for traffic offenses, violations, and nonviolent petty misdemeanor and misdemeanor offenses, with certain exceptions; and
- (2) Create rebuttable presumptions regarding release and detention for certain offenses and specify circumstances in which these presumptions apply.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Office of Hawaiian Affairs; Hawai'i Correctional System Oversight Commission; Office of the Prosecuting Attorney of the County of Kaua'i; Maui Office of the Public Defender; Hawai'i Health & Harm Reduction Center; Common Cause Hawaii; We Are One, Inc.; Pono Hawai'i Initiative; Young Progressives Demanding Action; Imua Alliance; Community Alliance on Prisons; United Public Workers, AFSCME Local 646, AFL-CIO; Hawai'i Association of Criminal Defense Attorneys; League of Women Voters; one member of the Kaua'i County Council; and ninety individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Retail Merchants of Hawai'i. Your Committee received comments on this measure from the American Civil Liberties Union of Hawai'i Disability Rights Center.

Your Committee finds that there is a need to address the substantial and continued overcrowding of facilities used to house pretrial defendants through the adoption of certain recommendations made by the criminal pretrial task force regarding pretrial detention and release. Your Committee further finds that although several recommendations of the Judiciary's Criminal Pretrial Task Force established pursuant to House Concurrent Resolution No. 134, H.D. 1 (2017) were enacted by Act 179, Session Laws of Hawaii 2019 (Act 179), two critical recommendations were not included. These recommendations would substantially change the process for pretrial determinations and would offer the greatest potential to maximize pretrial release. This measure implements certain recommendations of the criminal pretrial task force that were accompanied by proposed legislation authored by the task force but not adopted in Act 179.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 1260, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1260, 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 (Fevella). Noes, none. Excused, none.

SCRep. 760 Judiciary on S.B. No. 1342

The purpose and intent of this measure is to:

- Include under the offense of promoting gambling in the first degree the act of hosting activities that advance gambling activity on real property; and
- (2) Require the forfeiture of real property to the State if the real property was used to promote gambling in the first degree by a person in at least three separate incidents and the person was convicted for at least three of those incidents.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that illegal gambling presents a serious risk to public safety and welfare. This is especially true of establishments that chronically house illegal gambling activities. Although your Committee finds that real property owners, managers, or others who knowingly host gambling activity on real property under their authority or control should be subject to heightened penalties, your Committee notes that under section 712A-5(2)(a), Hawaii Revised Statutes, real property may be subject to forfeiture if the covered offense is chargeable as a felony offense under state law, therefore, this measure makes it more difficult for the State to pursue forfeiture against real property used to host illegal gambling activities because of the requirement of three criminal convictions.

Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have required the forfeiture of real property to the State if the real property was used to promote gambling in the first degree by a person in at least three separate incidents and the person was convicted for at least three of those incidents;
- (2) Expanding the scope of "hosting activities" to include organizing or promoting gambling activities, receiving or entertaining others engaging in gambling, or providing services and resources to others who engage in gambling; 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. 1342, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1342, 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 (Acasio). Noes, none. Excused, none.

SCRep. 761 Judiciary on S.B. No. 1289

The purpose and intent of this measure is to:

- Expand access of election watchers during elections to include all instances in which ballots are handled, prepared, tabulated, or reviewed;
- (2) Allow for more than one election watcher to be appointed by a political party; and
- (3) Allow for election watchers to be appointed by media organizations.

Your Committee received testimony in support of this measure from the Office of Elections, Common Cause Hawaii, League of Women Voters of Hawai'i, 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, Elections Division of the City and County of Honolulu, Elections Division of the County of Kaua'i, and Maui County Clerk.

Your Committee finds that transparency in elections is vital to a healthy democracy. Greater access by watchers and observers to the polls is critical to catching mistakes in time to correct them and eliminating any appearance of misconduct. This measure will significantly increase access by watchers to the election, but your Committee notes concerns raised in testimony that official observers,

appointed by political parties and the media and then vetted and selected by the Chief Election Officer or the clerk of a county, are different from watchers, who are directly appointed by political parties and subject to less regulation. Your Committee finds that, if increased access by watchers or observers to the election process is to be established, the capability of the election watcher and election observer programs must be assessed.

Your Committee has amended this measure by deleting its contents and requiring the Elections Commission, in consultation with the clerk of each county, to:

- (1) Perform an assessment of whether the election watcher and election observer programs are adequate and, if not, what adjustments are necessary to improve the programs; and
- (2) Submit a report of the assessment to the Legislature.

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. 1289, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1289, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 762 (Joint) Government Operations and Ways and Means and Judiciary on S.B. No. 1350

The purpose and intent of this measure is to:

- (1) Establish the Office of Public Accountability to assume oversight and administrative responsibility for the Office of the Auditor, Office of the Ombudsman, Office of Information Practices, Hawaii State Ethics Commission, and Campaign Spending Commission; and
- (2) Appropriate an unspecified amount of funds for the operating expenses of the Office of Public Accountability.

Your Committees received comments on this measure from the Office of Information Practices.

Prior to decision making on this measure, your Committees made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and inserting language to:

- (1) Define "permanent resident" for reapportionment purposes;
- (2) Permit public notice in a short form for reapportionment plans, maps, and relevant documents, subject to specific requirements; and
- (3) Appropriate funds for the Reapportionment Commission to allow it to retain outside legal counsel.

Your Committees received testimony in support of the proposed S.D. 1 from one individual. Your Committees received testimony in opposition to the proposed S.D. 1 from one individual. Your Committees received comments on the proposed S.D. 1 from the Office of Elections, Common Cause Hawaii, and one individual.

Your Committees find that the Reapportionment Commission, in determining reapportionment, must first determine the total number of members to which the State is entitled then apportion those members among districts so that the average number of persons in the total population counted in the last preceding United States Census per member in each district shall be nearly equal as practicable. In February 2011, the U.S. Census Bureau announced it will likely delay delivery of the 2020 census results to the fifty states by as much as six months or more. This will significantly delay the reapportionment of federal, state, and county districts. Your Committees further find that after experiencing delays in preparing the reapportionment plan following the 2010 census, the State of Hawaii 2011 Reapportionment Commission Final Report and Reapportionment Plan made recommendations to improve the reapportionment process for the future. The Hawaii Revised Statutes requires the Reapportionment Commission to act by majority vote of its membership and establish its own procedures except as provided by law. This measure therefore implements a recommendation of the 2011 Reapportionment Commission Final Report and Reapportionment Plan by clarifying that the definition of a "permanent resident", for purposes to legislative reapportionment, is the same as defined by the U.S. Census Bureau, thereby assisting the Reapportionment Commission to determine an accurate count of the permanent resident population of the State.

Your Committees also find that the streamlined form of notice required for reapportionment plans as proposed by this measure is projected to result in significant cost savings, while also providing adequate notice to the public of the Reapportionment Commission's actions and the availability of the Reapportionment Plan, related maps, and other documents.

Your Committees further recognize that reapportionment should occur before a candidate for the 2022 election is issued a nomination paper to ensure that the candidate not only meets the residency requirements, but also collects signatures from voters in the correct district. Your Committees note that any timing issues regarding the constitution of the reapportionment commission, the certification of its members, and the filing of any reapportionment plan under article VI, section 2, of the Hawaii State Constitution may be addressed through a court order.

Your Committees further note that existing law is unclear as to whether a state Senate election held to fill a vacancy created upon the resignation of an incumbent is considered a regular election for the purposes of computing Senate staggered terms. Your Committees find that amendments to the Hawaii State Constitution would be needed to clarify this issue and that such amendments merit further discussion as this measure proceeds.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

(1) Allowing public notice in a short form for proposed, revised, and final versions of the reapportionment plan and reapportionment maps;

- (2) Clarifying that reapportionment maps shall be available for viewing at certain public offices;
- (3) Clarifying the definition of permanent resident for purposes of legislative apportionment to be consistent with the U.S. Census Bureau's definition of permanent resident;
- (4) Specifying that nomination papers for the 2022 primary election shall be made available from the first working day of an unspecified month;
- (5) Specifying that the Reapportionment Commission may retain outside legal counsel under section 28-8.3, Hawaii Revised Statutes, relating to the state's employment of attorneys;
- (6) Clarifying that the appropriation is intended for the expenditures of the Reapportionment Commission, including the retention of private counsel; 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, 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. 1350, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1350, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 1 (English).

Judiciary: Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Kim).

SCRep. 763 (Majority) Ways and Means on S.B. No. 176

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to sell Sand Island Industrial Park parcels to a current lessee under a master lease who has expressed a strong interest in purchasing the fee interest in their leasehold lots.

Your Committee received written comments in support of this measure from the Sand Island Business Association.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Kona Kai Ea chapter of the Surfrider Foundation, Kupuna for the Moopuna, and five individuals.

Your Committee finds that this measure will allow small businesses to reinvest in and improve the Sand Island Industrial Park through fee ownership and controlled rent escalation.

Your Committee has amended this measure by:

- (1) Adding a part I to the measure that amends section 171-136, Hawaii Revised Statutes, to require each industrial park lease to include a specific rent escalation clause;
- (2) Creating a part II that adds a new section to Chapter 171, Hawaii Revised Statutes, relating to the sale of public lands within the industrial park to existing lessees;
- (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. 176, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 176, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (English, Kanuha, Taniguchi, Wakai). Noes, 2 (Moriwaki, Fevella). Excused, none.

SCRep. 764 Ways and Means on S.B. No. 56

The purpose and intent of this measure is to preserve essential government services and prevent employment reductions, by generating revenue for the State.

More specifically, the measure:

- Increases the personal income tax rate and implements a rate recapture mechanism that phases out lower tax brackets for high earners;
- (2) Increases the tax on capital gains;
- (3) Increases the corporate income tax and establishes a single corporate income tax rate;
- (4) Suspends the application of certain general excise tax and use tax exemptions; and
- (5) Increases conveyance taxes for the sale of properties valued at \$1,000,000 or greater.

Your Committee received testimony in support of this measure from Hawaii Budget & Policy Center, Hawaii Health & Harm Reduction Center, Americans for Democratic Action, Hawaii State Teachers Association, Our Revolution Hawaii, Democratic Party of Hawaii Education Caucus, Imua Alliance, Hawaii Children's Action Network Speaks!, PHOCUSED, Partners In Care, Puakalehua Early Learning Consortium, HOPE, Domestic Violence Action Center, St. Elizabeth's Episcopal Church, Planned Parenthood Votes Northwest and Hawaii, League of Women Voters Hawaii, Hawaii Workers Center, and numerous individuals.

Your Committee received testimony in opposition to this measure from PAMCA, Hawaii Association of REALTORS, General Contractors Association of Hawaii, Hawaii Food Industry Association, Subcontractors Association of Hawaii, Chamber of Commerce Hawaii, NAIOP, Hawaiian Airlines, and seven individuals.

Your Committee received comments on this measure from the Department of the Attorney General, Department of Taxation, Tax Foundation of Hawaii, Electrical Contractors Association, Grassroot Institute of Hawaii, and one individual.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic disrupted the local economy, resulting in a budget shortfall that was estimated to exceed two billion dollars as of December 2020. Your Committee further finds that it is necessary to generate revenue to allow the State to meet its strategic goals, avoid furloughs and layoffs for state workers, and prevent disruptions to essential government services.

Your Committee has amended this measure by:

- (1) Replacing the income tax rates in the measure with the income tax rates proposed by Senate Bill 276;
- (2) Deleting the suspension of certain excise tax exemptions relating to contractors and aircraft;
- (3) Deleting the suspension of certain use tax exemptions relating to aircraft and transportation;
- (4) Maintaining the existing statutory conveyance tax rates for any real property with a value of less than \$4,000,000;
- (5) Increasing the conveyance tax rates for real properties with a value of at least \$6,000,000, but less than \$10,000,000 by a factor of three; and
- (6) Increasing the conveyance tax rates for real properties with a value of at least \$10,000,000 by a factor of four.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 56, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 56, 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, none.

SCRep. 765 Ways and Means on S.B. No. 1091

The purpose and intent of this measure is to help address the state budget shortfall caused by the coronavirus disease 2019 (COVID-19) pandemic by transferring or authorizing the transfer of moneys in various non-general funds for deposit into the general fund and the dwelling unit revolving fund.

Your Committee received written comments in support of this measure from Hawaii Housing Finance and Development Corporation, Department of Taxation, and Department of Budget and Finance.

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 Business, Economic Development, and Tourism; Department of Public Safety; Department of Land and Natural Resources; Tax Foundation of Hawaii; and one individual.

Your Committee finds that repealing, abolishing, transferring, or authorizing the transfer of moneys from various non-general funds is a prudent approach to address the budget shortfall caused by the COVID-19 pandemic. Your Committee further finds that these transfers will help to minimize any necessary tax increases or reductions in government services.

Your Committee has amended this measure by:

- (1) Transferring into the general fund moneys from various additional non-general fund accounts, which have been identified in consultation with the various executive-branch departments;
- (2) Abolishing or repealing certain non-general funds, which have been identified in consultation with the various executive-branch departments as being defunct funds or accounts that are no longer being utilized, and transferring any unencumbered balances to the credit of the general fund;
- (3) Appropriating \$2,000,000 from the general fund to be used for the Na Wai Eha land acquisition;
- (4) Deleting provisions that:
 - (A) Authorize the issuance of taxable general obligation bonds; and
 - (B) Deposit the bond proceeds into the land conservation fund; 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. 1091, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1091, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Taniguchi). Noes, none. Excused, none.

SCRep. 766 (Joint) Judiciary and Commerce and Consumer Protection on S.B. No. 345

The purpose and intent of this measure is to prohibit the import for profit, sale, and offer for sale of any cosmetic in the State if the final product or any component of the final product was developed or manufactured using animal testing performed on or after January 1, 2022.

Your Committees received testimony in support of this measure from the Humane Society of the United States, Cruelty Free International, Personal Care Products Council, The Body Shop, Ao Organics Hawai'i, O'o Hawaii, Pure Mana Hawaii, and three individuals. Your Committees received comments on this measure from the Department of Health and Office of Information Practices.

Your Committees find that animals have been used to test cosmetic products for over fifty years. Your Committees further find that this practice has been widely condemned as cruel and unnecessary, and that it is now banned in numerous jurisdictions, including California, Nevada, Illinois, Israel, Norway, India, Switzerland, and the European Union. This measure establishes a prohibition on the sale of cosmetic products in the State that have been tested on animals.

Your Committees have amended this measure by:

- (1) Requiring a manufacturer to disclose testing data for the prosecuting attorney's review upon the determination of a reasonable likelihood that a violation has been committed;
- Clarifying that any information disclosed by a manufacturer shall be treated as confidential and is only disclosed for enforcement purposes;
- (3) Consolidating language providing exemptions to the animal testing prohibition into a single statutory subsection;
- (4) Inserting an effective date of May 6, 2137, 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 Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 345, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 345, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 767 Judiciary on S.B. No. 765

The purpose and intent of this measure is to:

- (1) Define "highly intoxicated driver";
- (2) Provide the evidentiary standard for establishing that a person was a highly intoxicated driver;
- (3) Require 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 the applicable period of license revocation:
- (3) Increase the license revocation period ordered by the Administrative Driver's License Revocation Office and extend the applicable lookback periods from five to ten years;
- (4) Establish higher penalties for a highly intoxicated driver operating a vehicle; and
- (5) Establish higher penalties for offenses of operating a vehicle under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Hawai'i Police Department, Mothers Against Drunk Driving Hawaii, and one individual. 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 Administrative Driver's License Revocation Office.

Your Committee finds 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. Your Committee further finds that, in 2020, the annual average blood alcohol content of all drivers arrested for driving under the influence was nearly twice the legal limit, and forty percent of those arrested had blood alcohol content levels in excess of .150 percent. Your Committee additionally finds that the National Highway Traffic Safety Administration has stated that a blood alcohol content of .150 percent or greater increases the likelihood of being involved in a fatal car crash by almost twenty times. This measure aims to strengthen the current law regarding operating a vehicle under the influence of an intoxicant.

Your Committee has amended this measure by:

- Requiring ignition interlock devices be installed and maintained on all vehicles operated by anyone convicted of operating a
 vehicle under the influence of an intoxicant, during the applicable period of license revocation, but not on all vehicles
 registered to the convicted individual;
- (2) Inserting an effective date of May 6, 2137, 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. 765, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 765, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 768 Ways and Means on S.B. No. 246

The purpose and intent of this measure is to establish a state government realignment commission to periodically review the executive branch departments, divisions, and agencies, including functions and services, and to submit its findings and recommendations to the Legislature.

Your Committee received written comments in support of this measure from Transform Hawaii Government.

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 Accounting and General Services.

Your Committee finds that this measure will help the State improve government efficiency, reduce duplicated efforts, eliminate outdated procedures, update technology and business processes, and allow state employees to better serve the public.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 246, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 769 Ways and Means on S.B. No. 369

The purpose and intent of this measure is to minimize polluted runoff originating from failing wastewater systems in the State.

More specifically, this measure:

- (1) Establishes the time of transfer wastewater system inspection program in the Department of Health to oversee the inspection and repair of individual wastewater systems at the time of sale or transfer of ownership of certain residential real properties attached to the wastewater systems;
- (2) Requires individual wastewater systems that fail inspection to be repaired or replaced within one year by the current or prospective property owner; and
- (3) Requires that, prior to January 1, 2050, every cesspool in the State, with exceptions, be connected to a sewerage system or upgraded or converted to a wastewater system approved by the Department of Health, instead of a septic system or aerobic treatment unit system.

Your Committee received written comments in support of this measure from the Department of Health, University of Hawaii, Friends of Hanauma Bay, Hawaii Reef and Ocean Coalition, Surfrider Foundation, Wastewater Alternatives & Innovations, and two individuals.

Your Committee received written comments in opposition to this measure from Hawaii Association of REALTORS.

Your Committee finds that the establishment of a time of transfer wastewater system inspection program will help to improve water quality in the State by decreasing the number of failing wastewater treatment systems.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 369, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 770 Ways and Means on S.B. No. 663

The purpose and intent of this measure is to enact an interstate compact to award prizes for the curing of diseases.

Your Committee received written comments in support of this measure from the Hawaii Primary Care Association.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that enacting the compact will allow Hawaii to join other states in incentivizing medical breakthroughs and supporting innovative research.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 663, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Shimabukuro).

SCRep. 771 Ways and Means on S.B. No. 863

The purpose and intent of this measure is to promote healthy working and learning environments for teachers and students.

More specifically, this measure requires the Department of Education to:

- (1) Conduct an electrical assessment on all public and conversion charter schools in the State to determine whether the school's electrical capacity will allow for the installation of air conditioning units and other air purifying devices; and
- (2) Report its findings and recommendations to the Legislature no later than December 31, 2021.

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 the proper use of air purifying devices can help to reduce the amount of airborne contaminants, including the virus that causes coronavirus disease 2019, that are present in indoor settings. Your Committee also finds that research by the United States Department of Education has shown that the use of cooling systems leads to students having better attitudes toward learning, fewer disciplinary problems, and sustained achievement.

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. 863, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 863, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 772 Ways and Means on S.B. No. 900

The purpose and intent of this measure is to improve maternal health.

More specifically, the measure requires the Department of Human Services to:

- (1) Collect and report data on severe maternal morbidity incidents, disaggregated by county, race, and ethnicity; and
- (2) Develop, and the Hawaii State Commission on the Status of Women to Administer, an implicit bias training program for health care professionals in the State's perinatal facilities.

Your Committee received written comments in support of this measure from the Hawaii State Commission on the Status of Women, Office of Hawaiian Affairs, Hawaii Women's Coalition, Hawaii State Coalition Against Domestic Violence, Hawaii Children's Action Network Speaks!, Healthy Mothers Healthy Babies Coalition of Hawaii, Planned Parenthood Votes Northwest and Hawaii, and numerous individuals.

Your Committee received written comments on this measure from the Department of Health; Hawaii Pacific Health; American College of Obstetricians and Gynecologists, Hawaii Section; Healthcare Association of Hawaii; and Queen's Health Systems.

Your Committee finds that this measure will help address the overrepresentation of Native Hawaiians in negative maternal health outcomes and ensure that mothers are safe from medical racism and implicit bias that may compromise their health care.

Your Committee has amended this measure by:

- (1) Clarifying the reference to the Health Insurance Portability and Accountability Act by including a reference to the appropriate public law; 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. 900, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 900, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 773 Ways and Means on S.B. No. 947

The purpose and intent of this measure is to establish the Hawaii Broadband and Digital Equity Office within the Department of Business, Economic Development, and Tourism.

More specifically, this measure establishes the Hawaii Broadband and Digital Equity Office and requires it to, among other things:

- (1) Develop and implement specific strategies and plans to aggressively increase broadband affordability, penetration, and competitive availability in the State;
- (2) Work closely with and assist the counties to promote coordinated state and county broadband planning; and
- (3) Promote, advocate, and facilitate the implementation of the findings and recommendations of the Hawaii Broadband Task Force established by Act 2, First Special Session Laws of Hawaii 2007.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Human Services; AARP Hawaii; Hawaii Primary Care Association; Hawaii Broadband Hui; Transform Hawaii Government; Hawaiian Affairs Caucus of the Democratic Party of Hawaii; and two individuals.

The Department of Commerce and Consumer Affairs submitted written comments on the measure.

Your Committee finds that the establishment of a Hawaii Broadband and Digital Equity Office will help the State work toward ensuring that all individuals and communities have the necessary information technology capacity to fully participate in society, democracy, and the economy.

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. 947, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 947, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 774 Ways and Means on S.B. No. 962

The purpose and intent of this measure is to transfer the Makai Research Pier to the Natural Energy Laboratory of Hawaii Authority.

More specifically, this measure:

- (1) Transfers the Makai Research Pier, including any current leases of the Makai Research Pier, from the University of Hawaii to the Natural Energy Laboratory of Hawaii Authority;
- (2) Prohibits any disturbing of, or interference with, any existing leases of the Makai Research Pier; and
- (3) Authorizes the Director of Finance to issue general obligation bonds for the Natural Energy Research Laboratory of Hawaii Authority to repair and upgrade the Makai Research Pier.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, University of Hawaii, and Makai Ocean Engineering.

Your Committee received written comments in opposition to this measure from the Natural Energy Laboratory of Hawaii Authority.

Your Committee finds that transferring to the Natural Energy Laboratory of Hawaii Authority operational authority over the Makai Research Pier and authorizing the issuance of general obligation bonds for the repair of the pier will allow the pier to remain operational and be revitalized for valuable research activity.

Your Committee has amended this measure by:

- (1) Deleting the provision transferring to the Natural Energy Laboratory of Hawaii Authority current leases of the Makai Research Pier and prohibiting any disturbing of, or interference with, the leases;
- (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. 962, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 962, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 775 Ways and Means on S.B. No. 987

The purpose and intent of this measure is to establish the Sustainable Aviation Fuel Task Force within the Hawaii Natural Energy Institute.

More specifically, this measure:

- (1) Establishes the Sustainable Aviation Fuel Task Force within the Hawaii Natural Energy Institute to develop a work plan and regulatory scheme to reduce greenhouse gas emissions from certain transportation sources;
- (2) Requires the Sustainable Aviation Fuel Task Force to submit interim and final reports to the Legislature prior to the Regular Sessions of 2022 and 2023, respectively;
- (3) Establishes a termination date for the Sustainable Aviation Fuel Task Force and authorizes the Hawaii Natural Energy Institute to continue the work of the task force after this date; and
- (4) Requires the Hawaii Natural Energy Institute to submit annual reports to the Legislature.

Your Committee received written comments in support of this measure from 350Hawaii, Airlines for America, Biotechnology Innovation Organization, Climate Protectors Hawaii, and Environmental Caucus of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Hawaii State Energy Office and University of Hawaii.

Your Committee finds that the burning of aviation fuel is a major contributor of greenhouse gas emissions. Your Committee believes that establishing a task force to facilitate the development of sustainable aviation fuel will benefit the environment and potentially create a new, valuable industry in the State.

Your Committee has amended this measure by:

- (1) Specifying the appointing authority for certain listed task force members;
- (2) Inviting, rather than requiring, specific private entities to serve on the task force;
- (3) Codifying in statute, rather than session law, the Hawaii Natural Energy Institute's annual reporting requirements regarding the Sustainable Aviation Fuel Task Force and data on clean transportation related to aviation transportation;
- (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. 987, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 987, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 776 Ways and Means on S.B. No. 1015

The purpose and intent of this measure is to require the Comptroller to perform additional office space management duties for state agencies occupying facilities that are managed by the Department of Accounting and General Services.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services.

Your Committee finds that the increase in telework by state employees resulting from the coronavirus disease 2019 pandemic requires a re-assessment of the State's future office space needs. Your Committee believes that the Comptroller is the appropriate entity to make these office space management decisions.

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. 1015, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1015, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Taniguchi). Noes, none. Excused, none.

SCRep. 777 Ways and Means on S.B. No. 1023

The purpose and intent of this measure is to allocate fixed amounts of revenue collected through the transient accommodations tax to provide funding for the Bernice Pauahi Bishop Museum and Iolani Palace.

Your Committee received written comments in support of this measure from the Oahu Economic Development Board, Friends of Iolani Palace, Bishop Museum, Council for Native Hawaiian Advancement, Kamehameha Schools Bishop Estate, Institute for Native Pacific Education and Culture, Hawaii Appleseed Center for Law and Economic Justice, Aha Punana Leo, Hawaii Museums Association, Hui Hawaii o Utah Hawaiian Civic Club, and five individuals.

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

Your Committee finds that the Bishop Museum holds millions of objects and artifacts of Native Hawaiian, Pacific Island, and Hawaii immigrant life; offers scientific, cultural, educational programs to thousands of schoolchildren each year; and supports economic development and tourism. Your Committee also finds that Iolani Palace serves a poignant role representing the Hawaiian monarchy, is the only royal palace in the United States, and is important both as a historic building and as a tourism venue. Your Committee also recognizes that the coronavirus disease 2019 (COVID-19) pandemic has resulted in a lack of visitors and events at both the Bishop Museum and Iolani Palace, which has led to both sites losing substantial revenue. Accordingly, your Committee believes that allocating a portion of transient accommodations tax revenues to the Bishop Museum and Iolani Palace would help support their continued operations and preserve their roles in Hawaii's culture.

Your Committee has amended this measure by:

- (1) Deleting references to specific paragraphs in cross references to section 237D-6.5(b), Hawaii Revised Statutes;
- (2) Correcting a typographical error in a cross reference to section 237D-6.5(b), Hawaii Revised Statutes; 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. 1023, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1023, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 778 Ways and Means on S.B. No. 1026

The purpose and intent of this measure is to add new sources of revenue generated by the State Veterinary Laboratory and Animal Disease Control Branch that shall be deposited into the animal industry special fund.

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

Your Committee finds that the additional revenue stream for the animal industry special fund provided by this measure will support the work of the State Veterinary Laboratory, which includes laboratory services, disease surveillance, and testing services.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2021; 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. 1026, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1026, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 779 Ways and Means on S.B. No. 1035

The purpose and intent of this measure is to improve procurement processes in the State.

Specifically, the measure:

- Authorizes the administrator of the State Procurement Office to assess and collect an administrative fee to cover procurement automation system costs;
- (2) Establishes a procurement automation system special fund; and
- (3) Authorizes the Administrator of the State Procurement Office to establish procedures for issuing the final decision regarding any procurement practice, procurement policy and procedure, and compliance investigation conducted pursuant to section 103D-206, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Department of Transportation and State Procurement Office.

Your Committee finds that a growing number of state-level purchasing offices in other states operate using a self-funded model whereby funds are derived from small percentage administrative fees included as part of statewide contracts. Your Committee further finds that establishing a similar fee in Hawaii may help pay for the management of the State's procurement automation system.

Your Committee has amended this measure by:

- (1) Appropriating unspecified sums in fiscal years 2021-2022 and 2022-2023 from the procurement automation system special fund;
- (2) Changing the effective date from upon its approval to July 1, 2021; 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. 1035, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1035, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 780 Ways and Means on S.B. No. 361

The purpose and intent of this measure is to establish a general excise tax exemption for the gross proceeds or income arising from the sale of Supplemental Nutrition Assistance Program eligible items.

Your Committee received written comments in support of this measure from the Hawaii Farm Bureau; Hawaii Food Industry Association; Hawaii Iron Workers Stabilization Fund; IATSE, Local 665; International Longshore and Warehouse Union, Local 142; Maui Chamber of Commerce; United Food and Commercial Workers, Local 480; and Waikiki Neighborhood Board.

Your Committee received written comments in opposition to this measure from the Hawaii Government Employees Association.

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

Your Committee finds that Hawaii has the highest cost of living in the nation. Your Committee also finds that the coronavirus disease 2019 (COVID-19) pandemic has made it harder for many residents to afford necessities such as groceries. Your Committee further finds that Hawaii is one of the few states that fully taxes the sale of groceries. Your Committee believes that exempting groceries from the general excise tax will help many families that have been impacted negatively by the COVID-19 pandemic.

Your Committee has amended this measure by:

- Clarifying that the general excise tax exemption applies to the sale of eligible groceries under the Supplemental Nutrition
 Assistance Program;
- (2) Clarifying that soft drinks are not included in the definition of "food" or "food product";
- (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. 361, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 361, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (Shimabukuro).

SCRep. 781 Ways and Means on S.B. No. 809

The purpose and intent of this measure is to appropriate moneys for public school positions and the Hawaii Teacher Standards Board.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association, Hawaii Teacher Standards Board, and two individuals.

Your Committee finds that this measure will help support public education and allow the Hawaii Teachers Standards Board to continue offering vital training and licensure options for the State's teachers.

Your Committee has amended this measure by:

- (1) Changing the appropriation and allocation amounts to unspecified sums; 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. 809, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 809, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 782 Ways and Means on S.B. No. 787

The purpose and intent of this measure is to promote transparency and accuracy in state budgeting.

Specifically, the measure:

- (1) Requires any revenue estimate provided by the Department of Taxation to the Legislature or to any executive or administrative office of the State to be accompanied by a description of the methodology and assumptions made in providing the estimate; and
- (2) Provides that the revenue estimate and description are subject to public disclosure, inspection, and copying.

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

Your Committee finds that the information required by this measure will increase transparency and accuracy in state budgeting. Your Committee further finds that this information will help the Legislature make informed decisions relating to budgeting and appropriations.

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 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. 787, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 787, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 783 Ways and Means on S.B. No. 749

The purpose and intent of this measure is to allow the Hawaii Public Housing Authority to develop non-subsidized housing.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority.

Your Committee received written comments in opposition to this measure from the Office of Hawaiian Affairs.

Your Committee finds that this measure will facilitate the construction of new housing in the State for residents having various income levels.

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. 749, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 749, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 784 Ways and Means on S.B. No. 694

The purpose and intent of this measure is to codify the State's commitment to conservation, sustainability, and economic development by including the seventeen United Nations Sustainable Development Goals and Indicators, with references to existing state sustainability programs, in the Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Department of Education, Department of Land and Natural Resources, Office of Hawaiian Affairs, Chamber of Commerce Hawaii, Hawaii Immunization Coalition, Environmental Caucus of the Democratic Party of Hawaii, 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 LGBT Caucus of the Democratic Party of Hawaii.

Your Committee finds that Hawaii has been a leader in conservation efforts for decades through its commitment to the environment and sustainability. Your Committee further finds that this measure reiterates the State's leadership in this area by recommitting Hawaii's dedication to its existing environmental and sustainability policies and connecting those policies to the United Nations Sustainable Development Goals and Indicators.

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. 694, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 694, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 785 Ways and Means on S.B. No. 589

The purpose and intent of this measure is to statutorily establish the University of Hawaii Cancer Center as an organized research unit of the University of Hawaii.

In addition, this measure:

- (1) Establishes appointment procedures and reporting structures for the Director of the University of Hawaii Cancer Center;
- (2) Requires the University of Hawaii Cancer Center to be affiliated with the John A. Burns School of Medicine;
- (3) Requires that moneys expended or originating from the tuition and fees special fund for the John A. Burns School of Medicine or the University of Hawaii Cancer Center be used only for educational purposes; and
- (4) Requires that moneys expended or originating from the research and training revolving fund for the John A. Burns School of Medicine or the University of Hawaii Cancer Center be used only for research and research-related purposes.

Your Committee received written comments in opposition to this measure from the University of Hawaii, Friends of UH Cancer Center, Hawaii Society of Clinical Oncology, University of Hawaii Professional Assembly, Alana Dung Research Foundation, and numerous individuals.

Your Committee received written comments on this measure from the American Cancer Society Cancer Action Network.

Your Committee finds that the work of the University of Hawaii Cancer Center helps address cancer through research, patient care, and community outreach. Your Committee also finds that the University of Hawaii Cancer Center is the only National Cancer Institute-designated cancer center in Hawaii and the broader Pacific region.

Your Committee has amended this measure by:

- (1) Referencing the University of Hawaii Cancer Center as the "cancer research center of Hawaii", for consistency with the way in which the unit is referenced in other sections of the Hawaii Revised Statutes;
- (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. 589, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 589, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (Shimabukuro).

SCRep. 786 Ways and Means on S.B. No. 1054

The purpose and intent of this measure is to authorize the use of moneys in the Brownfields Cleanup Revolving Fund for the issuance of grants to eligible entities for brownfields site assessments and related site cleanup and monitoring activities.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; Office of Planning; and Department of Planning and Permitting of the City and County of Honolulu.

Your Committee finds that, due to the increased demand for moneys for brownfields site assessments, cleanup, and monitoring activities, expanding the eligible uses of moneys in the Brownfields Cleanup Revolving Fund to include these activities will result in more effective and timely use of those moneys.

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. 1054, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1054, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 787 Ways and Means on S.B. No. 509

The purpose and intent of this measure is to incentivize public high schools in the State to strategically prepare students for the workforce by encouraging industry certification in "high value" occupations.

More specifically, the measure:

- Incentivizes public high schools to encourage students to obtain industry certification in high value occupations by requiring
 the Department of Education to establish high value employment criteria for industry certification awards to public high
 schools; and
- (2) Appropriates moneys to the Department of Education to carry out this purpose.

Your Committee received written comments in support of this measure from the Department of Labor and Industrial Relations.

The Department of Education submitted written comments on the measure.

Your Committee finds that the State's critical shortages of qualified local workers in sectors such as health, education, air travel, and technology will be addressed by having public high schools encourage their students to pursue industry certification in high value occupations.

Your Committee has amended this measure by:

- Replacing specific references to private cross-sector partner organizations with a non-specific description of an organizational mission;
- (2) Deleting the appropriation to the Department of Education and any appropriation-related language; 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. 509, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 509, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 788 Ways and Means on S.B. No. 493

The purpose and intent of this measure is to establish a Hawaii agriculture and forest carbon positive incentive program within the Hawaii Green Infrastructure Authority.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Green Infrastructure Authority, Climate Protectors Hawaii, and two individuals.

Your Committee received written comments on this measure from the Department of Taxation, Department of Budget and Finance, Department of Agriculture, Office of Planning, and Tax Foundation of Hawaii.

Your Committee finds that the State's commitment to reach zero emissions by 2045 requires the reduction of emissions, mitigation of greenhouse gases, and investment in carbon-positive actions. Your Committee also finds that the management of smaller parcels of land plays an important role in managing natural and agricultural resources. Your Committee further finds that incentives are necessary to reduce carbon emissions and increase carbon sequestration so that the State can meet its food security and carbon emission goals. Accordingly, your Committee believes that appropriate steps must be taken to streamline and overcome the limits of existing programs that are designed to help the State meet its carbon emission goals.

Your Committee has amended this measure by:

- Clarifying that the Chairperson of the Hawaii Green Infrastructure Authority, or the Chairperson's designee, shall serve as the Chairperson of the reviewing committee, and that the Chairpersons of the Boards of Agriculture and Land and Natural Resources, or their respective designees, shall serve as members of the committee;
- (2) Changing the effective date to July 1, 2050, and the effective date of the appropriations to July 1, 2051, 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. 493, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 493, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Inouye). Noes, none. Excused, 1 (Shimabukuro).

SCRep. 789 Ways and Means on S.B. No. 414

The purpose and intent of this measure is to appropriate funding to the Department of the Prosecuting Attorney of the City and County of Honolulu as a grant-in-aid for the Department's career criminal prosecution unit.

Your Committee received written comments in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that the funds appropriated by this measure will allow the Department of the Prosecuting Attorney's career criminal prosecution unit to continue operating at its current capacity.

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. 414, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 414, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 790 Ways and Means on S.B. No. 815

The purpose and intent of this measure is to establish statutory provisions that ensure that the State's public education system has a stable base of annual funding.

More specifically, this measure:

- (1) Establishes maintenance of effort provisions for the Department of Education;
- (2) Establishes a public education stabilization trust fund, into which an amount of general excise tax revenues equal to the difference between the level of state appropriations to the Department of Education from the preceding fiscal year and the current fiscal year shall be deposited, if the appropriation in the current fiscal year is less than the appropriation in the preceding fiscal year;
- (3) Authorizes the Governor to temporarily suspend the maintenance of effort provisions under certain circumstances;
- (4) Establishes reporting requirements; and
- (5) Appropriates moneys into and out of the public education stabilization trust fund.

Your Committee received written comments in support of this measure from the Board of Education, Department of Education, Hawaii State Teachers Association, Kamehameha Schools, Democratic Party of Hawaii Education Caucus, and one individual.

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

Your Committee received written comments on this measure from the Tax Foundation of Hawaii and He'e Coalition.

Your Committee finds that a vibrant public education system enables the fulfillment of educational goals and aspirations of the State's students. Your Committee further finds that ensuring stability and predictability in the Department of Education's level of funding is critical for maintaining the Department's capacity to meet constantly evolving learning needs.

Your Committee has amended this measure by:

- (1) Removing a provision that conflicted with other provisions in the measure by prohibiting appropriations to the Department of Education for a current fiscal year to be less than appropriations for the preceding fiscal year;
- (2) Removing a provision requiring the aggregate proportion of the Department of Education's annual appropriations from general funds over the preceding ten years to be maintained as the appropriation to the Department if state appropriations to the Department decreased from a preceding fiscal year;
- (3) Adding a provision requesting the Revisor of Statutes to substitute appropriate section numbers for letters used in designating the new sections established by section 3 of 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. 815, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 815, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 791 Ways and Means on S.B. No. 358

The purpose and intent of this measure is to provide an incentive for Hawaii taxpayers to participate in the Hawaii college savings program.

More specifically, this measure establishes a state income tax deduction for Hawaii residents who make contributions into the Hawaii college savings program.

Your Committee received written comments in support of this measure from the State Council on Developmental Disabilities, Securities Industry and Financial Markets Association, Securities Industry Association of Hawaii, and one individual.

Your Committee received comments on this measure from the Department of the Attorney General, Department of Budget and Finance, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that the State established a college savings program in 2002, pursuant to Chapter 256, Hawaii Revised Statutes, and section 529 of the Internal Revenue Code. Currently referred to as "HI529-Hawaii's College Savings Program", the program assists and encourages families to save and invest funds for future higher education expenses. The investment income earned under the program is exempt from federal and state income taxes; provided that the funds are used for qualified higher education expenses. Your Committee further finds that most other states offer a state tax deduction or credit for contributions to state college savings programs as an incentive for their residents to participate.

Your Committee has amended this measure by:

- (1) Clarifying that the income tax deduction is only available for contributions to the Hawaii college savings program, rather than the college savings programs of other states;
- (2) Clarifying that penalties for nonqualified withdrawals shall be as provided under section 256-4, 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. 358, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 358, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 792 Ways and Means on S.B. No. 332

The purpose and intent of this measure is to amend the powers and duties of the Comptroller.

Specifically, the measure increases the minimum dollar amount of proposed payments required to be preaudited from \$10,000 to \$100,000 and allows, rather than requires, the Comptroller to preaudit proposed payments of expenditures below \$100,000.

Your Committee received written comments on this measure from the Department of Accounting and General Services.

Your Committee finds that updating the preaudit process for proposed payments will allow the State to provide services more efficiently and effectively and will help prevent delays in timely processing.

Your Committee has amended this measure by:

- (1) Clarifying that the Comptroller may preaudit proposed payments up to \$100,000; and
- (2) 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. 332, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 332, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 793 Ways and Means on S.B. No. 302

The purpose and intent of this measure is to address the high cost of housing in the State by adjusting the eligibility requirements for the income tax credit for low-income household renters.

More specifically, this measure:

(1) Creates tax brackets that more sharply target the tax credit toward lower-income taxpayers and phase out the credit as a taxpayer's income rises; and

(2) Adjusts the amounts of the credit and income eligibility every three years using a percentage based on the United States Consumer Price Index.

Your Committee received written comments in support of this measure from Americans for Democratic Action, Hawaii Children's Action Network Speaks!, League of Women Voters of Hawaii, 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 the income eligibility threshold for the income tax credit for low-income household renters was last adjusted in 1989, and the credit amount allowed was last adjusted in 1981. Since 1989, the cost of housing has increased by three hundred ninety per cent. Accordingly, your Committee believes it is appropriate to adjust the eligibility requirements and allowable credit amounts for the tax credit and to provide for future adjustments based on the United States Consumer Price Index.

Your Committee has amended this measure by:

- (1) Changing the amounts of the tax credit per exemption to unspecified amounts;
- (2) Making corrections to the text of section 235-55.7, Hawaii Revised Statutes, to accurately reflect the printed version of the 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. 302, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 302, S.D. 2.

Signed by the Chair on behalf of the Committee

Ayes, 11. Noes, none. Excused, none.

SCRep. 794 Ways and Means on S.B. No. 270

The purpose and intent of this measure is to appropriate moneys from the Elementary and Secondary School Emergency Relief Fund, and moneys received through the Coronavirus Aid, Relief, and Economic Security Act and Coronavirus Response and Relief Supplemental Appropriations Act, to offset potential budget reductions that would decrease the number of school-level personnel who are subject to a collective bargaining agreement.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association, He'e Coalition, Democratic Party of Hawaii Education Caucus, and two individuals.

Your Committee received written comments on this measure from the Department of Education, Board of Education, and Department of Budget and Finance.

Your Committee finds that the appropriated moneys will help Hawaii to retain qualified teachers and staff and maintain quality instruction in public school classrooms throughout 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 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. 270, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 270, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 795 Ways and Means on S.B. No. 245

The purpose and intent of this measure is to increase the number of high school students who complete the Free Application for Federal Student Aid (FAFSA).

More specifically, this measure requires the Department of Education's existing working group dedicated to increasing FAFSA awareness and completion to:

- Create a state plan to make FAFSA completion, or an opt-out waiver for FAFSA completion, a statewide graduation requirement by the 2023-2024 school year; and
- (2) Submit a report to the 2022 Legislature.

Your Committee received written comments in support of this measure from the Chamber of Commerce Hawaii, Maui Chamber of Commerce, HawaiiKidsCAN, and five individuals.

Written comments in opposition were received from four individuals.

The Department of Education and Office of Information Practices submitted written comments on the measure.

Your Committee finds that facilitating FAFSA completion will allow more high school graduates to make use of federal financial aid for higher education and thus reduce the need for private student loans that often have higher interest rates and lack consumer protections.

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. 245, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 245, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 796 Ways and Means on S.B. No. 226

The purpose and intent of this measure is to authorize the Governor to negotiate land exchanges to acquire lands suitable for long-term diversified agricultural production in return for state lands to be developed for affordable, workforce, and other housing.

Your Committee received written comments in support of this measure from the Agribusiness Development Corporation, Hawaii Farm Bureau, and Ulupono Initiative.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources and Kupuna for the Moopuna.

Your Committee received written comments on this measure from the Office of Planning, Office of Hawaiian Affairs, Conservation Council for Hawaii, and Hawaiian Affairs Caucus of the Democratic Party of Hawaii.

Your Committee finds that the measure will help support local food production, while also addressing the critical shortage of affordable, workforce, and other housing.

Your Committee has amended this measure by:

- (1) Codifying the language of section 2 of the measure as a new section in Chapter 171, part II, subpart C, Hawaii Revised Statutes;
- (2) Making the measure's reporting requirement annual;
- (3) Correcting a statutory cross-reference; 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. 226, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 226, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 797 Ways and Means on S.B. No. 141

The purpose and intent of this measure is to administratively relocate the State Building Code Council from the Department of Accounting and General Services to the Hawaii State Energy Office.

Your Committee received written comments in support of this measure from the Department of Labor and Industrial Relations; Department of Accounting and General Services; Hawaii State Energy Office; State Fire Council; Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; and Climate Protectors Coalition.

Your Committee received written comments in opposition to this measure from the Plumbers and Fitters United Association, Local 675.

Your Committee finds that the State Building Code Council is administratively attached to the Department of Accounting and General Services. However, your Committee notes that the Department is only responsible for state facilities. Your Committee believes that, as the Council has a role that is beyond the scope of the Department of Accounting and General Services, it would be more appropriate to attach the Council to the Hawaii State Energy Office within the Department of Business, Economic Development, and Tourism.

Your Committee has amended this measure by:

- (1) Inserting language to address the transfer from the Department of Accounting and General Services to the Hawaii State Energy Office of the officers, employees, functions, records, and other matters relating to the State Building Code Council;
- (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. 141, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 141, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Shimabukuro).

SCRep. 798 Ways and Means on S.B. No. 140

The purpose and intent of this measure is to consolidate the planning and development of certain state lands within transit-oriented development zones under the Hawaii Community Development Authority.

More specifically, this measure:

- (1) Requires the Hawaii Community Development Authority to develop a transit-oriented development zone improvement program; and
- (2) Authorizes the Hawaii Community Development Authority to establish transit-oriented development zones for certain state lands within a one-half mile radius around fixed transit stations.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and Hawaii Community Development Authority.

Your Committee received written comments on this measure from the Office of Planning.

Your Committee finds that no single entity currently has the authority to redevelop state lands along a transit corridor. Your Committee further finds that this measure will help to resolve ambiguities relating to these types of redevelopments by providing long-term master planning and zoning authority to the Hawaii Community Development Authority for state-owned lands within transit-oriented development zones.

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. 140, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 140, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 799 Ways and Means on S.B. No. 1222

The purpose and intent of this measure is to expand the scope of expenditures from the Conference Center Revolving Fund.

More specifically, this measure:

- (1) Expands the scope of programs that the Conference Center Revolving Fund may support to include any conference center programs conducted by the University of Hawaii at Hilo;
- (2) Authorizes the Chancellor of the University of Hawaii at Hilo, or the Chancellor's designee, instead of the Dean of the College of Continuing Education and Community Service, to expend moneys from the Conference Center Revolving Fund; and
- (3) Requires the Chancellor of the University of Hawaii at Hilo to submit to the Legislature an annual report accounting for all income and expenditures of the Conference Center Revolving Fund.

Your Committee received written comments in support of this measure from the University of Hawaii.

Your Committee finds that the College of Continuing Education and Community Service no longer exists, making the University of Hawaii at Hilo unable to expend the moneys in the Conference Center Revolving Fund. Your Committee further finds that the amendments made by this measure will allow the University of Hawaii at Hilo to once again expend the moneys in the Conference Center Revolving Fund.

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. 1222, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1222, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 800 Ways and Means on S.B. No. 1230

The purpose and intent of this measure is to require the Department of Health, or the Executive Director of the Department of Health's Office of Language Access, to perform the duties of the Office of Language Access.

Written comments in opposition were received from the Inter-Agency Council, Medical-Legal Partnership for Children in Hawaii, Hawaii Friends of Civil Rights, Hawaii State Coalition Against Domestic Violence, Ethnic Education Hawaii, Hawaii Coalition for Immigrant Rights, The Legal Clinic/Justice for Our Neighbors Hawaii, and nine individuals.

The Office of Language Access, Language Access Advisory Council, Department of Health, and Department of Human Services submitted written comments on the measure.

Your Committee finds that this measure will promote the establishment of a more coordinated and cost-effective statewide language access program.

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. 1230, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1230, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 801 Ways and Means on S.B. No. 1286

The purpose and intent of this measure is to appropriate funds to the Office of the Prosecuting Attorney for Hawaii County for the Career Criminal Prosecution Unit.

Your Committee received written comments in support of this measure from the Office of the Prosecuting Attorney for Hawaii County and the Department of the Prosecuting Attorney for the City and County of Honolulu.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that this measure will help support the prosecution of repeat-felony offenders, who commit a disproportionate number of serious crimes against the public.

Your Committee has amended this measure by:

- (1) Changing the appropriation 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. 1286, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1286, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 802 Ways and Means on S.B. No. 1305

The purpose and intent of this measure is to require the Department of Accounting and General Services to establish and manage automotive support for work-related employee travel, including a program in which state employees are permitted to drive personal vehicles to conduct official business and be compensated for costs based on mileage.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services.

Your Committee finds that allowing state employees to use the employees' personal vehicles to conduct official business will help to improve efficiency and minimize the size of the State's motor pool.

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. 1305, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1305, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 803 Ways and Means on S.B. No. 1307

The purpose and intent of this measure is to improve the implementation of major information technology projects in the State by establishing the Information Technology Modernization Program Management Office within the Office of Enterprise Technology Services.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services, Office of Enterprise Technology Services, and Transform Hawaii Government.

Your Committee finds that there are currently multiple information technology modernization projects in progress, including projects to replace information technology systems for unemployment insurance, disability compensation, financial management, child and family welfare, behavioral health, and state employee benefits. Your Committee further finds that the creation of a dedicated office

with specialized staff to support these information technology modernization projects will help to ensure those projects are completed without cost over-runs and delays.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes to 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. 1307, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1307, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 804 Ways and Means on S.B. No. 1323

The purpose and intent of this measure is to require the Department of Hawaiian Home Lands to develop a long-term strategic plan to eliminate the waiting list for a home land lease based on a comprehensive assessment of needs and resources of beneficiaries who are on the list.

Your Committee received written comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that thousands of native Hawaiian beneficiaries have died while on the Department of Hawaiian Home Lands waiting list for a home land lease, and thousands of other beneficiaries are currently on the list, half of whom are more than sixty years old. Your Committee further finds that the State has a duty to make sufficient moneys available to fund leases for beneficiaries. Accordingly, your Committee believes that the Department of Hawaiian Home Lands needs to strive to meet this goal, which, once achieved, will result in the eventual elimination of the waiting list.

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. 1323, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1323, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 805 Ways and Means on S.B. No. 1337

The purpose and intent of this measure is to authorize the counties to establish block-level upzoning programs to allow homeowners within a block located in an urban district to vote to increase the housing density for their respective block.

Your Committee received written comments on this measure from the Grassroot Institute of Hawaii.

Your Committee finds that this measure will help empower homeowners and allow creative solutions to the State's housing crisis.

Your Committee has amended this measure by:

- (1) Clarifying that the counties are authorized to adopt ordinances that increase housing density;
- (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. 1337, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1337, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Moriwaki).

SCRep. 806 Ways and Means on S.B. No. 1421

The purpose and intent of this measure is to create a task force within the Department of Business, Economic Development, and Tourism to explore how dual use technology can be used to promote economic recovery and diversify the State's economy.

Your Committee received written comments in support of this measure from the Hawaii Technology Development Corporation and The Chamber of Commerce Hawaii.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that this measure will help the State develop innovative concepts, new approaches to technology, and working relationships with existing military research facilities and funding sources.

Your Committee has amended this measure by:

(1) Clarifying that representatives from the Economic Development Alliance of Hawaii, Inc., and The Chamber of Commerce Hawaii shall be invited to participate on the Dual Use Technology Task Force;

- (2) Providing that the task force shall be dissolved on an unspecified date; 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. 1421, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1421, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 807 (Majority) Ways and Means on S.B. No. 2

The purpose and intent of this measure is to exempt from the definition of "public lands" those lands that are set aside to the Hawaii Housing Finance and Development Corporation by the Governor or leased to the Corporation by other state departments and agencies.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation.

Written comments in opposition were received from the Office of Hawaiian Affairs and Kupuna for the Moopuna.

Your Committee finds that this measure's expansion of the statutory exemption for lands held by the Hawaii Housing Finance and Development Corporation will help to streamline the development of affordable housing on state lands.

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. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, 1 (Fevella). Excused, 1 (Shimabukuro).

SCRep. 808 Ways and Means on S.B. No. 1

The purpose and intent of this measure is to facilitate the development and sale of low-cost homes for Hawaii residents.

Specifically, the 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 certain land from the definition of public lands;
- (3) Requires the Hawaii Housing Finance and Development Corporation to obtain legislative approval before disposing of certain land; and
- (4) Authorizes the Hawaii Housing Finance and Development Corporation to sell the leasehold interest in residential condominium units located on state land for lease terms of ninety-nine years.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation, Catholic Charities Hawaii, Hawaii Bicycling League, Hawaii Health and Harm Reduction Center, Hawaiian Humane Society, Trinity United Methodist Church, and numerous individuals.

Your Committee received written comments in opposition to this measure from the Office of Hawaiian Affairs and Kupuna for the Moopuna.

Your Committee received written comments on this measure from the Department of the Attorney General, Department of Budget and Finance, Department of Education, Department of Land and Natural Resources, Disability and Communication Access Board, and Grassroot Institute of Hawaii.

Your Committee finds that this measure will help ameliorate Hawaii's housing crisis by streamlining the development of affordable housing on state and county land.

Your Committee has amended this measure by:

- (1) Deleting the definition of the term "small and medium vendor" since it is not used in the substantive provisions of the measure:
- (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. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Kidani, Fevella). Noes, none. Excused, 1 (Shimabukuro).

SCRep. 809 Ways and Means on S.B. No. 1112

The purpose and intent of this measure is to amend the minimum appointment eligibility requirements for the position of Adjutant General.

Your Committee received no written comments on this measure.

Your Committee finds that Hawaii's Adjutant General oversees more than six thousand citizen soldiers and other personnel and plays a critical role in the State's defense. This measure clarifies and enhances the eligibility requirements for this important position.

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. 1112, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1112, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 810 Ways and Means on S.B. No. 1127

The purpose and intent of this measure is to make an emergency appropriation of \$5,400,000 to the Department of Human Services to fund general assistance payments in the current fiscal year.

Your Committee received written comments in support of this measure from the Department of Human Services, Governor's Coordinator on Homelessness, Hawaii Primary Care Association, Catholic Charities Hawaii, Partners in Care, Akamai Recovery Maui, and one individual.

Your Committee finds that due to the coronavirus disease 2019 pandemic, the number of individuals receiving certain general assistance payments increased thirty-four percent compared to the previous year. The additional funding provided by this measure will help to maintain the \$388 per month level of general assistance to each of the approximately six thousand eight hundred recipients through the end of the 2020-2021 fiscal year.

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

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1127, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1127, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 811 Ways and Means on S.B. No. 1069

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (1) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii System; Hawaii Health Systems Corporation; Department of Budget and Finance; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (1) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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 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. 1069, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1069, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 812 Ways and Means on S.B. No. 1070

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (2) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii System, Department of Budget and Finance, Hawaii Government Employees Association, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (2) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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 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. 1070, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1070, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 813 Ways and Means on S.B. No. 1071

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (3) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii System, Department of Budget and Finance, Hawaii Government Employees Association, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (3) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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 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. 1071, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1071, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 814 Ways and Means on S.B. No. 1072

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (4) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii System, Department of Budget and Finance, Hawaii Government Employees Association, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (4) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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 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. 1072, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1072, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 815 Ways and Means on S.B. No. 1073

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (5) and their excluded counterparts.

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

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (5) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 Regular Session.

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

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1073, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1073, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 816 Ways and Means on S.B. No. 1074

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (6) and their excluded counterparts.

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 negotiations between the exclusive representative of collective bargaining unit (6) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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. 1074, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1074, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 817 Ways and Means on S.B. No. 1075

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (7) and their excluded counterparts.

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

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (7) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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. 1075, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1075, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 818 Ways and Means on S.B. No. 1076

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (8) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii System, Department of Budget and Finance, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (8) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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. 1076, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1076, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 819 Ways and Means on S.B. No. 1077

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (9) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii System, Department of Budget and Finance, Hawaii Government Employees Association, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (9) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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 amendments for purposes of style, 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. 1077, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1077, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 820 Ways and Means on S.B. No. 1078

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (10) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii System; Department of Budget and Finance; Hawaii Health Systems Corporation; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (10) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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 amendments for purposes of style, 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. 1078, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1078, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 821 Ways and Means on S.B. No. 1079

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (11) and their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance and Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (11) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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 amendments for purposes of style, 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. 1079, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1079, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 822 Ways and Means on S.B. No. 1080

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (13) and their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, Hawaii Government Employees Association, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (13) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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 amendments for purposes of style, 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. 1080, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1080, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 823 Ways and Means on S.B. No. 1081

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2021-2023 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (14) and their excluded counterparts.

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 negotiations between the exclusive representative of collective bargaining unit (14) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2021 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. 1081, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1081, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 824 Ways and Means on S.B. No. 1139

The purpose and intent of this measure is to ensure patient access to and regulatory oversight of licensed medical cannabis dispensaries.

Specifically, this measure:

- (1) Appropriates moneys from the medical cannabis registry and regulation special fund for positions and operations within the Office of Medical Cannabis Control and Regulation;
- (2) Establishes three new permanent full-time equivalent positions (3.0 FTE) within the Office of Medical Cannabis Control and Regulation; and
- (3) Authorizes the Department of Health to adopt administrative rules to establish patient registration fees.

Your Committee received written comments in support of this measure from the Hawaii Cannabis Industry Association.

Your Committee received written comments on this measure from Akamai Cannabis Clinic.

Your Committee notes that due to budgetary shortfalls related to the coronavirus disease 2019 (COVID-19) pandemic, the Office of Medical Cannabis Control needed to eliminate six full-time positions. However, your Committee finds that the Office's operations can be supported by moneys from the medical cannabis registry and regulation fund. Your Committee also finds that authorizing the Department of Health to set patient registration fees through the adoption of administrative rules would allow the Department the flexibility it needs to periodically amend the registration fees in the future.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, and the effective date of the appropriations in the measure to July 1, 2051, 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. 1139, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1139, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 825 Ways and Means on S.B. No. 1166

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to approve rental payment reductions or waivers for leases when the lessee must incur substantial demolition costs or infrastructure improvement costs in order to utilize the leased premises.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Written comments in opposition were received from Kupuna for the Moopuna.

The Office of Hawaiian Affairs submitted written comments on the measure.

Your Committee finds that the reduction or waiver of lease rental payments authorized by this measure will provide a greater incentive for developers to invest in the redevelopment of public land or provide the necessary infrastructure to facilitate further development of unimproved public land.

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. 1166, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1166, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 826 Ways and Means on S.B. No. 1173

The purpose and intent of this measure is to facilitate stewardship of the State's ocean resources.

Specifically, the measure:

- (1) Establishes the ocean stewardship special fund for the conservation, restoration, and enhancement of the State's marine resources; and
- (2) Authorizes the Department of Land and Natural Resources to adopt rules pursuant to Chapter 91, Hawaii Revised Statutes, to establish non-resident user fees for the use and enjoyment of the State's ocean resources, to be deposited into the ocean stewardship special fund.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Kuaaina Ulu Auamo, Hawaii Reef and Ocean Coalition, Hui o Hoohonua, The Nature Conservancy, Kauhako Ohana Association, and one individual.

Your Committee received written comments in opposition of this measure from the Ocean Tourism Coalition.

Your Committee finds that this measure will facilitate a sustainable source of funding to assist the Department of Land and Natural Resources in advancing the management, research, restoration, and enhancement of the State's marine resources.

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. 1173, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1173, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 827 Ways and Means on S.B. No. 1156

The purpose and intent of this measure is to make an emergency appropriation to the Department of Health to provide funds to implement the State's coronavirus disease 2019 (COVID-19) vaccination plan.

Your Committee received written comments in support of this measure from the Hawaii Primary Care Association.

Your Committee finds that although the federal government is paying for COVID-19 vaccine doses, it is not paying for the costs of delivering and administering the vaccine. These administrative costs include the purchase of needles, syringes, personal protective equipment, and the time required for health care professionals to perform this vital responsibility away from their normal duties. Your

Committee further finds that the moneys appropriated by this measure will help to ensure that the Department of Health can pay for these administrative costs and efficiently and effectively implement the State's COVID-19 vaccination plan.

Your Committee has amended this measure by making technical nonsubstantive amendments 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. 1156, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1156, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 828 Ways and Means on S.B. No. 1149

The purpose and intent of this measure is to remove the statutory spending ceiling for the Dietitian Licensure Special Fund and leave the ceiling to be established instead through the state budgeting process.

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

Your Committee finds that providing the flexibility to adjust the spending ceiling for the Dietitian Licensure Special Fund through the state budgeting process will allow the State to meet the needs of the licensure program while reducing reliance on general funds during a time of economic stress.

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. 1149, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1149, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 829 (Joint) Commerce and Consumer Protection and Judiciary on S.B. No. 969

The purpose and intent of this measure is to prohibit the manufacture for sale, offer for sale, display for sale, sale, trade, or distribution of certain animal fur products in the State.

Your Committees received testimony in support of this measure from Fur Free Alliance; Animal Defenders International; InStyle; Inditex S.A.; Humane Society Veterinary Medical Association; In Defense of Animals; Project Coyote; Humane Society of the United States; Humane Society Veterinary Medical Association; Stella McCartney, Ltd.; Animal Legal Defense Fund; People for the Ethical Treatment of Animals; Advanced Pacific; Leilani Farm Sanctuary; Neighborhood Cats; H&M; and twenty-nine individuals. Your Committees received testimony in opposition to this measure from Retail Merchants of Hawaii and two individuals. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs and one individual.

Your Committees find that the fur industry can be cruel, and studies have shown that it presents high climate and environmental costs, with significant emissions and land use requirements, and air and water pollutants emanating from animal waste and chemical processes. The coronavirus disease 2019 further exposed the fur industry as a serious contagion risk and has underscored the need for transformational change in the way humans trade in, consume, impact, and too often abuse nature. Due to technological advances in fabrications, designers are now able to create a luxe aesthetic using non-animal fur. Therefore, this measure allows Hawaii to be among the leaders in ending fur sales.

Your Committees further find the prohibition on the manufacturing and sale of fur products would benefit from a more phased-in approach, similar to how the State has handled the ban on the sale of certain sunscreens. By first prohibiting the manufacture and importation of certain animal fur products in the State, then later banning the sale of those items, retailers and suppliers can have a window of time to sell current inventories, thereby preventing any unnecessary waste. Amendments to this measure are therefore necessary to address these issues. Your Committees further note that this measure exempts leather and certain fur products from livestock animals that have been a part of Hawaii's landscape for a very long time.

Your Committees have amended this measure by:

- (1) Clarifying the definition of "fur" to mean any animal skin with hair, fleece, or fur fibers attached, either in its raw or processed state, including mink and other non-native species;
- (2) Clarifying the definition of "director" to mean the Director of Agriculture, rather than the Director of Commerce and Consumer Affairs:
- (3) Specifying that, beginning July 1, 2021, it shall be unlawful to manufacture fur products in the State, or import fur products into the State, for the purposes of sale;
- (4) Specifying that, beginning December 1, 2021, it shall be unlawful to sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration, a fur product in the State;
- (5) Inserting language requiring the Department of Agriculture, Department of Commerce and Consumer Affairs, and Department of the Attorney General to collaborate and to develop and disseminate informational documents to educate and inform retail merchants and suppliers of the provisions of this measure;
- (6) Inserting an effective date of July 1, 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 Commerce and Consumer Protection and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 969, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 969, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 7; Ayes with Reservations (Riviere). Noes, none. Excused, none.

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 830 Judiciary on S.B. No. 560

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 the Americans for Democratic Action, Common Cause Hawaii, FairVote Action, The Libertarian Party of Hawaii, and nine individuals. Your Committee received comments on this measure from the League of Women Voters of Hawaii and one individual.

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.

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. 560 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 831 Judiciary on S.B. No. 670

The purpose and intent of this measure is to set specific requirements that must be satisfied for a minor to be allowed to work in theatrical employment. Specifically, this measure:

- (1) Allows for minors under the age of sixteen to work in theatrical employment provided that the employer procures a valid certificate of employment and the minor is accompanied by a parent, guardian, or responsible adult designated by the parent or guardian to supervise and advocate on behalf of the minor;
- (2) Requires the employer to hire a nurse certified in basic life support to accompany, supervise, and advocate on behalf of an infant under the age of one who is on set; and
- (3) Requires a studio teacher to accompany, teach, and attend to the health, safety, and well-being of a minor who attained the age of five years who is working during periods when the minor is legally required to attend school.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; Hawaii State Teachers Association; I.A.T.S.E. Local 665; International Brotherhood of Electrical Workers Local 1260; United Food & Commercial Workers Union, Local 480; SAG-AFTRA Hawaii Local; Iron Workers Stabilization Fund; Hawaii State AFL-CIO; and seven individuals.

Your Committee finds that existing laws do not require a registered nurse, advanced practice registered nurse, or studio teacher to be present on set when minors are employed in theatrical employment. Section 390-2, Hawaii Revised Statutes, provides for employment of minors under eighteen years of age and contains hours and time provisions for minors between fourteen and seventeen years of age. Additionally, the Department of Labor and Industrial Relations issues theatrical employment certificates for television or motion picture productions contingent on proof that the minor is performing satisfactorily in school. This measure recognizes the importance of ensuring safe working conditions for children, as well as ensuring that their health and educational opportunities are protected while working on theatrical productions.

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. 670, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 832 Judiciary on S.B. No. 153

The purpose and intent of this measure is to:

- (1) Establish penalties for violations of the ignition interlock device law; and
- (2) Require proof of compliance with the ignition interlock device law to be eligible to apply for a driver's license.

Your Committee received testimony in support of this measure from the Department of Transportation; AAA Hawai'i; Traffic Injury Research Foundation; Smart Start, LLC; Foundation for Advancing Alcohol Responsibility; Mothers Against Drunk Driving Hawaii; and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that ignition interlock devices prevent an intoxicated driver from operating a motor vehicle if their breath alcohol concentration exceeds a set point. Since its inception in 2011, the ignition interlock program has prevented over one million impaired driving attempts. Your Committee further finds that assessing the compliance of individuals who are required to install an

ignition interlock device but do not own vehicles is challenging, and a longer period of revocation in such situations may be appropriate. In addition, your Committee acknowledges that the cost associated with the ignition interlock program unjustly disadvantages some individuals.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the Department of Transportation to provide ignition interlock device installation and services at no cost to qualifying individuals;
- (2) Clarifying that the disqualification from eligibility for a driver's license for persons failing to provide proof of compliance with certain conditions applies to persons who have an ignition interlock device installed in all vehicles the person owns or drives:
- (3) Doubling the revocation period for those required to install an ignition interlock device but do not own a vehicle in which to install one;
- Removing unnecessary and redundant language; 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. 153, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 153, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 833 (Majority) Judiciary on S.B. No. 742

The purpose and intent of this measure is to require each county police department to collect certain data regarding police stops, uses of force, and arrests, and submit annual reports to the Legislature.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Civil Beat Law Center for the Public Interest, Common Cause Hawaii, Community Alliance on Prisons, Young Progressives Demanding Action, Drug Policy Forum of Hawai'i, American Civil Liberties Union of Hawai'i, Hawaii Appleseed Center for Law and Economic Justice, and ten individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Police Department, Kaua'i Police Department, Maui Police Department, and Police Chiefs of Hawaii Association. Your Committee received comments on this measure from one individual.

Your Committee finds that transparency in the criminal justice system contributes to the equitable application of the law and allows law enforcement to better serve the public. Good data, particularly data from law enforcement, is critical to the development of well-informed policy that can promote safer communities while reducing the human and financial costs of the criminal justice system. This measure requires each county police department to collect certain data regarding police stops, uses of force, and arrests, to, among other things, better consider situations of interest, such as trends in the use of force; safeguarding of law enforcement officers from injury; and thereby allow for greater overall academic analysis of policing in the State.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 742, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 742, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 834 Judiciary on S.B. No. 199

The purpose and intent of this measure is to:

- (1) Mandate appointment of a guardian ad litem to represent the best interest of a mentally ill individual in assistant community treatment proceedings and regarding an application for emergency examination and hospitalization, also known as an MH-1 application; and
- (2) Eliminate the need for the Office of the Public Defender to participate in the proceedings.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Partners in Care; The Institute for Human Services, Inc.; St. Elizabeth's Church; Ohana Health Plan; and four individuals. Your Committee received comments on this measure from the Judiciary, Department of the Attorney General, Department of Health, Office of the Public Defender, Governor's Coordinator on Homelessness, and Hawaii Disability Rights Center.

Your Committee finds that the Assisted Community Treatment program (ACT) established in 2013 provides individuals with severe mental illness who are unlikely to live safely in the community without available supervision with necessary medical treatment and medication when it is in the individual's best interest. Although ACT presents these individuals with an opportunity to receive on-going treatment in the least restrictive setting and serves as a vital alternative to repeat emergency interventions as their primary course of treatment, many mentally ill individuals fail to participate in the program. Existing law does not require a guardian ad litem

to be appointed to represent the individual with severe mental illness participating in ACT. Your Committee further finds that the mandatory appointment of a guardian ad litem will improve the ACT process by providing an advocate for the concerned individual's needs and interest.

Your Committee has amended this measure by:

- (1) Removing MH-1 applications from the proceedings requiring the appointment of a guardian ad litem; 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. 199, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 199, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 835 (Majority) Judiciary on S.B. No. 839

The purpose and intent of this measure is to:

- 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) Authorize psychiatric mental health nurse practitioners and clinical nurse specialists, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient;
- (3) Reduce the mandatory waiting period between oral requests from twenty days to fifteen days; and
- (4) Waive the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period.

Your Committee received testimony in support of this measure from the Hawai'i Association of Professional Nurses, Hawai'i Psychological Association, Compassion & Choices, Hawaii Society of Clinical Oncology, Hawai'i – American Nurses Association, and fifty-four individuals. Your Committee received testimony in opposition to this measure from Hawai'i Family Forum, Patients Rights Action Fund, and five individuals. Your Committee received comments on this measure from the Board of Nursing and Hawai'i State Center for Nursing.

Your Committee finds that the Our Care, Our Choice Act (OCOCA) allows terminally ill individuals to request and receive prescription medication that allows them to pass away in a peaceful, humane, and dignified manner. Your Committee further finds that since the OCOCA was enacted, the Department of Health solicited input from the medical community on the law's implementation. This process has revealed that a shortage of physicians on the neighbor islands unintentionally created barriers and burdens in care. Your Committee further finds that implementing the amendments to the OCOCA suggested by the medical community and collated by the Department of Health will equitably increase access to end-of-life care intended to limit needless suffering.

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. 839, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 839, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, 3 (Gabbard, Kim, Fevella). Excused, none.

SCRep. 836 (Majority) Judiciary on S.B. No. 25

The purpose and intent of this measure is to:

- (1) Permit minors to consent to medical care related to the diagnosis or treatment of the human immunodeficiency virus (HIV) or the prevention of HIV;
- (2) Provide that a minor, under certain circumstances, shall not be liable for payment for treatment or prevention of HIV; and
- (3) Authorize physician assistants, in addition to physicians and advanced practice registered nurses, to render medical care and services to minors.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i, Maui AIDS Foundation, Hawaii Youth Services Network, Kaiser Permanente Hawai'i, Trevor Project, and six individuals.

Your Committee finds that persons between the ages of thirteen and twenty-four accounted for twenty-one percent of new HIV diagnoses in 2017. Of those, forty-four percent were unaware of their HIV status. This age group is consistently the least likely to test for HIV, receive HIV treatment or be virally suppressed, or be offered HIV prevention treatment. Your Committee further finds that the ability to obtain HIV related medical care without the involvement of a parent or guardian will benefit minors who have been diagnosed with HIV or are at risk of exposure to HIV.

Your Committee additionally notes that the questions of who is ultimately responsible for payment for a minor's medical care if the minor independently consents to care, and whether a healthcare provider may refuse treatment for failure to pay are not resolved by this measure, and that these questions may merit further discussion as this measure proceeds through the legislative process.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 25, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 25, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, 1 (Gabbard). Excused, none.

SCRep. 837 Judiciary on S.B. No. 1343

The purpose and intent of this measure is to

- (1) Remove acreage restrictions on leases of Hawaiian home lands for agricultural purposes;
- (2) Provide that the availability of leases shall be subject to the availability of suitable tracts of land; and
- (3) Specify that leases may be for for-profit or non-profit purposes.

Your Committee received testimony in support of this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your committee finds that, as originally enacted by the United States Congress, the Hawaiian Homes Commission Act authorized the Hawaiian Homes Commission to lease twenty to eighty acres of agricultural land. In the present day, the Hawaiian Homes Commission Act authorizes the Department of Hawaiian Home Lands to lease no more than forty acres of agricultural land with at least twenty-six of those acres under continuous cultivation. Your Committee further finds that, while this measure could potentially allow for expanded opportunities in certain areas for farming, removing acreage restrictions on leases could inequitably disadvantage the large number of applicants on the waitlist for agricultural leases.

Accordingly, your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 1343, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1343, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 838 Judiciary on S.B. No. 700

The purpose and intent of this measure is to require government entities to seek reimbursement for all or a portion of search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public.

Your Committee received testimony in support of this measure from eight 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, State Fire Council, and three individuals.

Your Committee finds that with the numerous hiking trails available to the public throughout the State, there are certain areas that are home to vulnerable natural resources or pose safety concerns and consequently have been closed to the public. Despite this, your Committee finds that there are cases in which individuals and groups unlawfully enter 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 risking the damage of native habitats and other natural resources. Your Committee further finds that those defying the law by entering into prohibited areas not only put themselves at risk, but create potentially difficult, dangerous, and expensive rescue operations. Your Committee additionally finds that, while those willfully disregarding the law and creating avoidable risks for themselves and others should be held accountable, this measure could have the unintended effect of disincentivizing individuals in distress from calling for assistance in situations in which it is necessary.

Accordingly, your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 700, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 700, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 839 Judiciary on S.B. No. 287

The purpose and intent of this measure is to:

Require the Department of Transportation and the counties to implement a Vision Zero program in Hawai'i by July 1, 2022;
 and

(2) Establish a goal of no traffic fatalities or serious injuries by 2045.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Mothers Against Drunk Driving Hawai'i, Hawaii Bicycling League, and Hawai'i Public Health Institute.

Your Committee finds that traffic fatalities and serious injuries continue to be an area of concern for the Legislature. Sweden adopted a national Vision Zero policy in 1997 and by 2013 had achieved the lowest number of road accidents on record. Existing law in Hawai'i directs the Department of Transportation and county transportation departments to adopt a Vision Zero policy, but no implementation date is specified. This measure sets forth a clear and definite timeline for the adoption of a Vision Zero policy.

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. 287, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 287, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 840 Judiciary on S.B. No. 386

The purpose and intent of this measure is to protect youth from certain harmful conditions in the justice system by ensuring compliance with the federal Juvenile Justice Reform Act of 2018, codified under 34 U.S.C.A §11133, which requires the family court to make findings before a minor can be transferred to an adult facility.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Defender, Office of Hawaiian Affairs, Office of Youth Services, and Hawaii Disability Rights Center. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that when a youth is transferred to the adult criminal justice system, the lifelong consequences of placement in the criminal justice system has a profoundly negative effect on both the youth and our community. Your Committee further finds that full brain development and maturity is proven to extend beyond teen years, and studies have shown that young adults reach full maturity past the age of twenty-five years. In light of these developmental facts, your Committee additionally finds that adult facilities do not provide the developmentally appropriate rehabilitative services youth require.

Your Committee has amended this measure by:

- (1) Requiring the court to hold a hearing no less frequently than once every thirty days if a minor is held in a jail or lockup for adults, to review whether the detention of a child in a jail or lockup for adults remains in the interest of justice; 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. 386, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 386, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 841 Judiciary on S.B. No. 1134

The purpose and intent of this measure is to broaden the Department of Human Services employees' right of entry into a vulnerable adult's premises without a warrant for an investigation of any type of abuse regardless of physical injury.

Your Committee received testimony in support of this measure from the Department of Human Services and Executive Office on Aging.

Your Committee finds that reports of abuse against vulnerable adults continue to rise as Hawai'i's population ages. Your Committee also finds that although the Department of Human Services is authorized to enter premises without a warrant for purposes of investigating the abuse of vulnerable adults, existing law limits that right of warrantless entry only to situations in which there is probable cause to believe that a vulnerable adult will be physically injured. Your Committee further finds that as defined in section 346-222, Hawaii Revised Statutes, "abuse" includes not only physical abuse, but also psychological abuse, sexual abuse, financial exploitation, caregiver neglect, or self-neglect, and that all of these forms of abuse can result in damaging losses to the vulnerable adult's mental health, welfare, and financial stability.

Although extending the Department's right of entry into a vulnerable adult's premises without a warrant for an investigation of abuse regardless of physical injury will better serve vulnerable adults who may be the victims of abuse, your Committee considered concerns about the breadth of the circumstances under which this measure would allow warrantless entry by the Department of Human Services, and that these concerns may merit further discussion as this measure continues through the legislative process.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 1134, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1134, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 842 (Majority) Judiciary on S.B. No. 191

The purpose and intent of this measure is to:

- (1) Provide a process for associations to incorporate power of sale language into governing documents; and
- (2) Clarify the legislative intent that the explicit grant of power of sale to associations is not required for the purposes of enforcing association liens under the statutory power of sale foreclosure process.

Your Committee received testimony in support of this measure from the Community Associations Institute, Palehua Townhouse Association, Associa, and one individual. Your Committee received testimony in opposition to this measure from eight individuals.

Your Committee finds that Act 282, Session Laws of Hawaii 2019, expressed the legislative intent that condominium associations have authority to use a nonjudicial foreclosure process when owners default on their financial obligations to their fellow owners. Courts have nonetheless cast doubt on previous legislative action and have insisted that "power of sale" language must be contained within the governing documents of a condominium association before a nonjudicial foreclosure process may be used. Your Committee further finds that this measure clarifies that the explicit grant of power of sale to associations is not required for the purposes of enforcing association liens through the nonjudicial foreclosure process in any part of chapter 667, Hawaii Revised Statutes. This measure further establishes a process by which Association documents may be amended to include a power of sale provision.

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. 191, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 191, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 843 Judiciary on S.B. No. 346

The purpose and intent of this measure is to prohibit the confinement of egg-laying hens in a cruel manner and prohibit business owners and operators from selling certain eggs or egg products from hens confined in a cruel manner beginning on December 31, 2025.

Your Committee received testimony in support of this measure from The McClellan Group; The Humane Society of the United States; Natural Resources Defense Council; Friends of the Earth; Animal Outlook; Center for Biological Diversity; Animal Legal Defense Fund; Compassion in World Farming USA; Hawaiian Humane Society; Animal Equality; American Society for the Prevention of Cruelty to Animals; The Humane League; Farm Sanctuary; Mercy for Animals; Humane Society Veterinary Medical Association; Hawaiian Egg Company, Inc.; OK Poultry, LLC; and nine individuals. Your Committee received testimony in opposition to this measure from the Department of Agriculture. Your Committee received comments on this measure from the University of Hawai'i College of Tropical Agriculture and Human Resources.

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. Additionally, battery cage facilities have been linked to high levels of air contamination from ammonia and hydrogen sulfide as well as organic compounds, large amounts of pesticide, and pharmaceutical residues that can be transported into nearby soil, causing groundwater pollution and contaminating surface waters. Your Committee further finds that there are no existing laws or regulations in the State establishing confinement standards for egg-laying hens. This measure phases out certain types of extreme, outdated, and cruel methods of farm animal confinement and the sale of products produced using those methods of confinement.

Your Committee has amended this measure by:

- (1) Delaying implementation of the prohibition until June 30, 2027; 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. 346, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 346, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 844 (Majority) Judiciary on S.B. No. 619

The purpose and intent of this measure is to amend provisions concerning fitness to proceed examinations in criminal proceedings to specify circumstances in which qualified advanced practice registered nurses or advanced practice registered nurses with prescriptive authority who hold an accredited national certification in an advanced practice registered nurse psychiatric specialization may conduct the examination.

Your Committee received testimony in support of this measure from the Hawai'i Association of Professional Nurses, The Queen's Health Systems, Hawai'i State Center for Nursing, Hawai'i – American Nurses Association, and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of Health, Hawai'i Psychological Association, and five individuals. Your Committee received comments on this measure from the Board of Nursing.

Your Committee finds that advanced practice registered nurses provide a wide variety of health care services to people across the State. Existing law requires each hospital within the State to allow advanced practice registered nurses to practice at the hospital

within the full scope of their authorized practice, including practice as primary care providers. This measure provides courts with greater flexibility by allowing qualified advanced practice registered nurses or advanced practice registered nurses with prescriptive authority who hold an accredited national certification in an advanced practice registered nurse psychiatric specialization to conduct fitness to proceed evaluations in criminal proceedings.

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. 619, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 619, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Kim). Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 845 Judiciary on S.B. No. 925

The purpose and intent of this measure is to clarify that the secondhand dealers law applies to a secondhand dealer's operation of an automated recycling kiosk that purchases previously owned consumer hand-held electronic devices.

Your Committee received testimony in support of this measure from the Maui Police Department, Retail Merchants of Hawaii, TechNet, and ecoATM. Your Committee received testimony in opposition to this measure from the Honolulu Police Department and Hawaii Pawnbrokers Association.

Your Committee finds that electronic waste kiosks, or automated recycling kiosks, provide a resource for consumers to sell their old cell phones, which are then collected and recycled or refurbished. Automated recycling kiosks have modernized electronic waste recycling and have diverted more than seven million pounds of electronic waste from local landfills across the country. Your Committee further finds that existing law requires secondhand dealers to store property in the county for a certain holding period, which creates a barrier for the operators of the automatic recycling kiosks, due to the limited space within the kiosk, the safety risks of long storage time requirements, and other related logistical issues. Your Committee additionally finds that, although it may not be practicable for operators of automated recycling kiosks to store cellular phones in the county in which the phones were received or purchased for the full retention period, a complete exemption from the in-county storage requirement for cellular phones received or purchased by automated recycling kiosks could present an undue obstacle to law enforcement in cases of theft.

Your Committee has amended this measure by:

- Clarifying that the previously owned consumer hand-held electronic devices purchased by automated recycling kiosks are limited to cellular phones;
- Clarifying that articles required to be retained by operators of automated recycling kiosks are previously owned consumer hand-held electronic cellular phone devices;
- (3) Requiring cellular phones received or purchased by an automated recycling kiosk to be retained in the county in which they were received or purchased for no less than the initial five business days of the retention period and at an alternate business location outside the county for a total period of thirty days; 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. 925, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 925, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Acasio).

SCRep. 846 Judiciary on S.B. No. 936

The purpose and intent of this measure is to add a new section to the Hawaii Occupational Safety and Health Law to require:

- (1) The Department of Labor and Industrial Relations to disseminate information regarding seizure first aid to employers, employees, and the general public;
- (2) Employers to post materials provided by the Department of Labor and Industrial Relations; and
- (3) The Department of Labor and Industrial Relations to adopt rules to implement the new requirements.

Your Committee received testimony in support of this measure from the Epilepsy Foundation of Hawai'i and nine individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources.

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. Your Committee finds that as of 2019, over fifteen thousand people in the State of Hawaii and over three million in the United States are living with epilepsy, and an additional ten percent of the population may experience a non-epileptic seizure in their lifetime. The prevalence of epilepsy and other seizure disorders in our community evidence a need to provide workplace education regarding seizure first aid. 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 notes concerns raised in testimony that the placement of the requirements established by this measure into the Hawaii Occupational Safety and Health Law creates a statutory conflict, and that the requirements are more appropriately placed into the chapter of the Hawaii Revised Statutes that directly governs the Department of Labor and Industrial Relations.

Accordingly, your Committee has amended this measure by:

- (1) Placing the new statutory section into chapter 371, Hawaii Revised Statutes, relating to labor and industrial relations, instead of chapter 396, Hawaii Revised Statutes, relating to occupational safety and health; 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. 936, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 936, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 847 Judiciary on S.B. No. 905

The purpose and intent of this measure is to require the State Council on Mental Health to include an unspecified number of members with demonstrated knowledge of or work experience involving native Hawaiian health practices.

Your Committee received testimony in support of this measure from the Department of Health, Office of Hawaiian Affairs, The Queen's Health Systems, Hawai'i Psychology Association, and one individual.

Your Committee finds that native Hawaiians experience mental health disparities that require culturally responsive solutions. Native Hawaiian keiki are over-represented as victims of abuse and neglect, and native Hawaiian youth experience higher rates of depression and drug use. Native Hawaiians are also less likely than other populations to seek help from the State's mental health services. Culturally sensitive treatment programs that are grounded in native Hawaiian healing and health practices have proven to be more successful when congruent with the client's values and beliefs. Requiring the State Council on Mental Health to include members having educational, professional, or practical backgrounds in native Hawaiian and indigenous health, transgenerational trauma, and traditional healing practices will help the State advance and develop culturally responsive policies and programs.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 905, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 905, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 848 (Joint) Judiciary and Ways and Means on S.B. No. 320

The purpose and intent of this measure is to:

- (1) Require each tax return preparer to have a valid preparer tax identification number issued by the Internal Revenue Service and to furnish the preparer's tax identification number on any return or claim for refund if required by the Department of Taxation;
- (2) Establish penalties for non-compliance; and
- (3) Provide that tax return preparers shall not be liable for penalties prior to January 1, 2022.

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

Your Committees find that many tax preparers in the State operate with little oversight or accountability. Requiring all tax return preparers to have a Preparer Tax Identification Number issued by the Internal Revenue Service to prepare any return or claim for refund for compensation will help taxpayers and the Department of Taxation ensure that tax return preparers are held accountable for returns they prepare. For many local families, the annual tax refund is often the most significant financial transaction of the year. As a result of this measure, taxpayers will have greater assurance that they can rely on the services of their preparers and the Department of Taxation will be able to better monitor tax return preparers and detect problems. This measure's provisions relating to penalties and injunctive relief will provide increased consumer protection resources to protect taxpayers from harm, ensure fair and accurate tax administration, prevent malfeasance by bad actors, and reduce unintended losses in revenue.

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. 320 and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Wakai).

SCRep. 849 (Joint) Judiciary and Ways and Means on S.B. No. 1036

The purpose and intent of this measure is to:

- (1) Repeal the establishment of the Community Council on Purchase of Health and Human Services; and
- (2) Establish a State Payor Committee.

Your Committees received testimony in support of this measure from the State Procurement Office. Your Committees received testimony in opposition to this measure from the Domestic Violence Action Center; Protecting Hawaii's Ohana, Children, Under Served, Elderly, and Disabled; and three individuals. Your Committees received comments on this measure from the Hawaii Substance Abuse Coalition and Catholic Charities Hawaii.

Your Committees find that the Community Council on Purchase of Health and Human Services was established in 1997 as an advisory body to provide input to the State Procurement Office to develop the rules, infrastructure, and procedures for procuring health and human services. Since its initiation, the focus of health and human services procurements has changed as the rules are well-established and providers and purchasing agencies are acclimated to the rules and associated procurement process. The most recent meeting of the Community Council on Purchase of Health and Human Services was held on April 22, 2010. A lack of quorum and Governor-appointed members have prevented further meetings. Additionally, your Committees find that state agencies and private providers can communicate and work together to refine and update procedures for planning, procuring, and contracting health and human services to meet today's needs without the statutory provisions relating to the purchase of health and human services. Therefore, abolishing the Council would have no impact on the public or any state and county agencies.

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. 1036, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1036, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 850 (Joint) Judiciary and Ways and Means on S.B. No. 1128

The purpose and intent of this measure is to establish:

- (1) Self-funded commercial enterprises vocational programs within the Office of Youth Services for disenfranchised young adults;
- (2) A revolving fund within the Office of Youth Services, for the receipt of income and payment of expenses generated from the commercial enterprise vocational programs.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands; Department of Human Services; Office of Hawaiian Affairs; Office of Youth Services; Hale Kipa; Community Alliance on Prisons; Kanaeokana; Hawaii Cattlemen's Council, Inc.; Residential Youth Services & Empowerment; Kinai 'Eha; Kūpuna for the Mo'opuna; Papa Ola Lōkahi; Kamehameha Schools; Institute for Native Pacific Education and Culture; Iolani Palace; Council for Native Hawaiian Advancement; Partners in Development Foundation; The Queen's Health Systems; Boys & Girl Club of Hawaii; Bishop Museum; Native Hawaiian Education Council; 'Ekolu Mea Nui; and fifteen individuals.

Your Committees find that Act 201, Session Laws of Hawaii 2014, initiated juvenile justice reform in Hawaii to improve and enhance Hawaii's juvenile justice system. Since the Act's enactment, there has been a twenty-six percent reduction in admissions to the Hawaii Youth Correctional Facility. Additionally, Act 208, Session Laws of Hawaii 2018, established the Kawaiioa Youth and Family Wellness Center at the Hawaii Youth Correctional Facility to provide much needed services for underserved youth and young adults. Innovative non-competitive commercial programs have commenced that have provided skills building, vocational training, and economic programming to prepare young adults for entry into the workforce, especially in fields such as farming and ranching. This initiative also allows for the Office of Youth Services to continue its Connect 2 Careers partnership which is formed to build, measure, and scale high-quality, rigorous work-based immersive learning experiences that align with local, county, and state economic and labor market needs.

Further, your Committees find that allowing the Office of Youth Services to maintain a revolving fund will ensure that the Kawailoa Youth and Family Wellness Center's commercial enterprise program will provide values- and strengths-based economic opportunities and job training that is critical to the ongoing rehabilitation and long-term success of its participants. These vocational programs are gearing up to improve the employment and productive citizenship status of young adults by braking cycles of incarceration and guiding young adults toward learning valuable job skills, earning a living wage, and becoming financially secure leaders who contribute to their communities.

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. 1128, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1128, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 851 (Joint) Judiciary and Ways and Means on S.B. No. 1329

The purpose and intent of this measure is to create time limits to resolve protests to the awards of competitive sealed proposal contracts and procurements of professional services.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services; State Procurement Office; and Associated Builders and Contractors, Hawaii Chapter.

Your Committees find that under the State's procurement code, an aggrieved unsuccessful bidder for a project may protest the bid award. The procurement protest review can be lengthy, cause project delays, and thereby increase project costs that are borne by

taxpayers. Additionally, your Committees find that the failure to timely review and resolve bid protests increases the costs of state-awards projects and some agencies have taken six months or longer to respond to bid protests that involve complex issues.

Your Committees have amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 1329, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1329, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 852 Ways and Means on S.B. No. 222

The purpose and intent of this measure is to require the Comptroller's annual report to the Governor and Legislature to include a list of all accounts closed by the Comptroller during the immediately preceding fiscal year, and a list of accounts that remain open but that are serving a lapsed program or initiative.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services.

Your Committee finds that the additional information required to be included in the Comptroller's annual report will help to improve state oversight of public moneys.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 222, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 853 Ways and Means on S.B. No. 262

The purpose and intent of this measure is to appropriate an unspecified amount of funds for purposes relating to vaccines.

Your Committee received written comments in support of this measure from the Hawaii Primary Care Association.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that the moneys appropriated by this measure will help address the coronavirus disease 2019 (COVID-19) pandemic and meet the State's COVID-19 vaccination goals.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 262, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 854 Ways and Means on S.B. No. 508

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 at each public elementary school for students in the fourth grade.

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

Your Committee finds that ocean safety and stewardship education will help prevent drowning accidents and instill in students a sense of responsibility and respect for the ocean and coastal environment.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 508 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 855 Ways and Means on S.B. No. 579

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist House of Aloha Enterprises, LLC, a Hawaii limited liability company, with planning, designing, constructing, and equipping facilities in Hawaii to manufacture and process certain products.

Your Committee received written comments in support of this measure from Mason Industries LLC.

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.

Your Committee finds that the proposed facilities established using the bond proceeds will help generate revenues for the State through job creation, taxes, fees, and the support of other nearby businesses.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 579, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 856 (Majority) Ways and Means on S.B. No. 7

The purpose and intent of this measure is to increase opportunities for the development of affordable housing in the State.

Specifically, this measure gives the Hawaii Housing Finance and Development Corporation the right of first refusal on any transfer of a property interest on state lands within a one-half mile radius of a rail transit station, excluding any lands owned or controlled by the Hawaii Public Housing Authority or Department of Hawaiian Home Lands.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation and Hawaii Public Housing Authority.

Your Committee finds that there is a severe shortage of affordable housing in the State. Your Committee further finds that providing the Hawaii Housing Finance and Development Corporation with the opportunity to obtain control of and develop affordable housing on state lands near rail transit stations will help to increase the State's inventory of 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. 7, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 7, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 857 Ways and Means on S.B. No. 12

The purpose and intent of this measure is to require the Hawaii Public Housing Authority and Hawaii Housing Finance and Development Corporation to accomplish certain housing objectives.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation and Hawaii Public Housing Authority.

Your Committee finds that this measure will help further the development of critically needed mixed-income communities and affordable housing units throughout the State.

Your Committee has amended this measure by:

- (1) Changing section 1 of the measure to amend only subsection (b) of section 226-19, Hawaii Revised Statutes, to conform 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. 12, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 12, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Kidani). Noes, none. Excused, none.

SCRep. 858 Ways and Means on S.B. No. 135

The purpose and intent of this measure is to require the Office of Enterprise Technology Services to conduct a study to identify appropriate state office buildings that can provide equitable telecommunication access to allow residents of the Counties of Hawaii, Kauai, and Maui, and rural areas of the City and County of Honolulu, including residents with disabilities, to participate remotely in legislative hearings.

Your Committee received written comments in support of this measure from the Office of Enterprise Technology Services, Disability and Communication Access Board, and one individual.

Your Committee finds that this measure will help make legislative hearings more accessible to residents on all islands of the State, including residents in rural areas and residents with disabilities.

Your Committee has amended this measure by:

- (1) Requiring the Office of Enterprise Technology Services to establish a working group to study this issue and make recommendations, as suggested in the Office's written comments;
- (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. 135, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 135, S.D. 2.

Signed by the Chair on behalf of the Committee

Ayes, 11. Noes, none. Excused, none.

SCRep. 859 Ways and Means on S.B. No. 136

The purpose and intent of this measure is to facilitate the implementation of Act 72, Session Laws of Hawaii 2020.

Specifically, this measure requires the:

- (1) Department of Education School Facilities Agency, by July 1, 2021, to adopt and publish administrative rules necessary to implement Act 72, Session Laws of Hawaii 2020; and
- (2) Office of the Governor to report to the Legislature regarding the process by which the Department of Education purchases land and executes capital improvement project contracts through the School Facilities Agency.

Your Committee did not receive written comments on this measure.

Your Committee finds that Act 72, Session Laws of Hawaii 2020, established the School Facilities Agency but did not require the Agency to adopt or publish administrative rules. Your Committee further finds that administrative rules are necessary for the effective implementation of Act 72, and this measure would require that such administrative rules be adopted and published by July 1, 2021.

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. 136, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 136, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 860 Ways and Means on S.B. No. 137

The purpose and intent of this measure is to encourage the development of affordable housing by allowing the counties to make certain district boundary amendments.

Specifically, this measure:

- (1) Allows county land use decision-making authorities to amend district boundaries of:
 - (A) Certain lands greater than fifteen acres but not more than twenty-five acres for reclassification to the urban district if a minimum portion of the land is dedicated to affordable housing; and
 - (B) Lands less than fifteen acres in the agricultural district with soil classified other than overall (master) productivity rating class A or B; and
- (2) Prohibits parceling of lands for the purpose of development.

Your Committee received written comments in support of this measure from the Maui County Mayor's Office and Building Industry Association of Hawaii.

Your Committee received written comments in opposition to this measure from the Sierra Club of Hawaii and Hawaii Farm Bureau.

Your Committee received comments on this measure from the Department of Agriculture, Office of Hawaiian Affairs, Land Use Commission, Office of Planning, Hawaii Association of REALTORS, and one individual.

Your Committee finds that expanding the authority of the counties to amend district boundaries will encourage the construction of affordable housing by making more land available to potential developers.

Your Committee has amended this measure by:

- Clarifying that if lands that have been parceled are proposed for reclassification, the petition for reclassification shall be
 processed as lands greater than fifteen but not more than twenty-five acres; 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. 137, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 137, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Moriwaki). Noes, none. Excused, none.

SCRep. 861 Ways and Means on S.B. No. 167

The purpose and intent of this measure is to add the integration of green infrastructure and the promotion of green spaces to the State Planning Act.

Specifically, this measure establishes:

- (1) Objectives and policies regarding green infrastructure for facility systems;
- (2) Policies for scenic, natural beauty, and historic resources to promote green spaces; and
- (3) Priority guidelines to promote the use of green infrastructure in state facility systems, infrastructure, and transit projects.

Your Committee received written comments in support of this measure from the Department of Health, Department of Land and Natural Resources, Office of Hawaiian Affairs, Office of Planning, 350Hawaii, Climate Protectors Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Hawaii Interfaith Power and Light, Our Revolution Hawaii, and Trees for Honolulu's Future.

Your Committee finds that increasing green infrastructure and green spaces throughout the State will help to protect the environment, improve the quality of life for Hawaii residents, and enhance the enjoyment of visitors to Hawaii.

Your Committee has amended this measure by:

- (1) Prioritizing the use of Hawaiian plants in state facility systems, infrastructure, and transit projects and for scenic, natural beauty, and historic resources;
- (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. 167, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 167, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 862 Ways and Means on S.B. No. 192

The purpose and intent of this measure is to authorize the Department of Human Services to administer and provide public assistance during Governor-declared states of emergency.

Your Committee received written comments in support of this measure from the Hawaii Primary Care Association and one individual.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic has caused significant economic hardship to numerous residents of the State, many of whom do not qualify for public assistance. Your Committee acknowledges that the COVID-19 pandemic is still ongoing and that similar emergency-caused economic hardships may occur in the future. Accordingly, your Committee believes that it is appropriate for the Department of Human Services to provide public assistance during Governor-declared states of emergency to those residents who meet the eligibility criteria enumerated in this measure.

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. 192, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 192, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 863 Ways and Means on S.B. No. 304

The purpose and intent of this measure is to require the Department of Transportation to facilitate the voluntary purchase of verified carbon offsets by air travelers.

Your Committee received written comments in support of this measure from Blue Planet Foundation.

Your Committee received written comments in opposition to this measure from 350Hawaii.

Your Committee received written comments on this measure from the Office of Planning and Climate Protectors Hawaii.

Your Committee finds that air travel is a major contributor to greenhouse gas emissions. Your Committee believes that establishing a system for air travelers to voluntarily purchase verified carbon offsets for air travel to and from the State will help to reduce the impact of air travel on the environment.

Your Committee has amended this measure by:

- (1) Clarifying that the term "qualified air travel" includes air travel between an airport in the State and any other airport in the State or in another state or United States territory; 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. 304, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 304, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 864 Ways and Means on S.B. No. 864

The purpose and intent of this measure is to require that a minimum of two of the three independent auditors selected by the State Public Charter School Commission, which is the authorizer for public charter schools in the State, have offices on the neighbor islands.

The State Public Charter School Commission submitted written comments on the measure.

Your Committee finds that this measure's requirement that a minimum number of the independent auditors have offices on an island other than Oahu will facilitate the timely completion of public charter school audits for the consolidated annual audit report.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 864 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 865 Ways and Means on S.B. No. 757

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Le Jardin Academy, Inc., a Hawaii nonprofit corporation, with reconstructing, renovating, acquiring, equipping, and improving educational and education-related facilities.

Your Committee received written comments in support of this measure from Le Jardin Academy, members of the Le Jardin Board of Trustees, Ceeds of Peace, and numerous individuals.

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

Your Committee finds that the special purpose revenue bonds authorized by this measure will help Le Jardin Academy increase its capacity and serve more Windward Oahu families by expanding its educational facilities.

Your Committee has amended this measure by:

- (1) Inserting language authorizing bond pooling to make it more efficient for the Department of Budget and Finance to issue the special purpose revenue bonds;
- (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. 757, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 757, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 866 Ways and Means on S.B. No. 775

The purpose and intent of this measure is to adjust the transient accommodations tax rate based on the number of tourists visiting the State within a calendar year.

Your Committee received written comments in opposition to this measure from the Department of Taxation, one member of the Maui County Council, Kohala Coast Resort Association, and Maui Chamber of Commerce.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism; Hawaii Tourism Authority; and Tax Foundation of Hawaii.

Your Committee recognizes that the tourism industry is a vital component of the State's economy. Your Committee anticipates that the number of tourists visiting the State is expected to increase as Hawaii recovers from the coronavirus disease 2019 (COVID-19) pandemic. Accordingly, your Committee believes that collecting additional transient accommodations tax revenues would help to meet the State's budgetary needs for public services, infrastructure, and other matters.

Your Committee has amended this measure by:

- (1) Specifying that the Hawaii Tourism Authority and Department of Business, Economic Development, and Tourism shall determine the number of visitor arrivals in the State for each calendar year, and that the Department shall publish that number in the State of Hawaii Data Book no later than June 30 of the following calendar 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. 775, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 775, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 867 Ways and Means on S.B. No. 788

The purpose and intent of this measure is to increase the efficiency and cost-effectiveness in public procurement.

Specifically, this measure:

- (1) Allows selection committees for the procurement of professional services to weigh the selection criteria listed in section 103D-304(e), Hawaii Revised Statutes, in the order of importance relevant to their agency and project;
- (2) Requires the State Procurement Office to develop a vendor performance information system;
- (3) Authorizes the head of a procurement agency to negotiate an adjustment of an otherwise successful bid for construction procurement to ensure that the bid amount is reasonable and realistic for the scope of the construction project;
- (4) Allows a bidder of a public works construction project to clarify and correct non-material or technical issues with subcontractor listings for up to twenty-four hours after the bid submission deadline; and
- (5) Requires bids for construction to be opened no earlier than twenty-four hours after the bid submission deadline.

Your Committee received written comments in support of this measure from the Subcontractors Association of Hawaii.

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; Department of Design and Construction of the City and County of Honolulu; Painters Industry of Hawaii Labor Management Cooperation Trust Fund; Hawaii Tapers Market Recovery 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; Hawaii Iron Workers Stabilization Fund; and Ironworkers Local 625.

Your Committee received written comments on this measure from the Department of Accounting and General Services, State Procurement Office, Plumbing and Mechanical Contractors Association of Hawaii, Electrical Contractors Association, Plumbers and Fitters United Association Local 675, and General Contractors Association of Hawaii.

Your Committee finds that this measure implements certain recommendations of the procurement policy review conducted pursuant to House Resolution No. 142, Regular Session of 2016. Your Committee further finds that the recommendations made pursuant to the procurement policy review are meant to increase economy, efficiency, effectiveness, and impartiality in public procurement by aligning the state procurement process with the federal procurement process.

Your Committee has amended this measure by:

- Adding language prohibiting a bidder from adding or substituting listed joint subcontractors when clarifying or correcting nonmaterial or technical issues with subcontractor listings; 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. 788, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 788, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Taniguchi). Noes, none. Excused, none.

SCRep. 868 Ways and Means on S.B. No. 804

The purpose and intent of this measure is to facilitate the provision of affordable housing for public school teachers.

Specifically, the measure:

- (1) Authorizes and appropriates moneys to the Hawaii Public Housing Authority and Hawaii Housing Finance and Development Corporation to provide affordable rental housing for public school teachers;
- (2) Authorizes the Hawaii Housing Finance and Development Corporation to contract or sponsor with any state or county agency for public school teachers' affordable housing; and
- (3) Requires the Department of Education to lease land and contract with private entities for the development, management, maintenance, or revitalization of teacher housing.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Public Housing Authority, Hawaii State Teachers Association, and Hawaii Association of REALTORS.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation and Hawaii Government Employees Association.

Your Committee recognizes that Hawaii has a severe shortage of qualified teachers, due in significant part to the lack of affordable housing in the State, which has resulted in many teachers leaving to seek less expensive housing elsewhere. Accordingly, your

Committee believes that facilitating the development of affordable housing for teachers is an appropriate way to help recruit and retain teachers for public schools.

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. 804, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 804, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 869 Ways and Means on S.B. No. 850

The purpose and intent of this measure is to require the Department of Transportation and Department of Business, Economic Development, and Tourism to jointly convene a Broadband Access Equity Task Force to expand digital inclusion and adoption to achieve digital equity for residents of rural communities.

Your Committee received written comments in support of this measure from the Department of Education, Office of Hawaiian Affairs, Hawaii Primary Care Association, and two individuals.

Your Committee received written comments on this measure from the Department of Commerce and Consumer Affairs; Department of Business, Economic Development, and Tourism; and Office of Information Practices.

Your Committee recognizes that the coronavirus 2019 disease (COVID-19) pandemic, which has prompted stay-at-home and social-distancing orders, has demonstrated the importance of universal broadband access. Your Committee finds that widespread broadband access is necessary for distance learning, telework, job training, telehealth, social services, and personal communication. Your Committee further finds that the expansion of broadband access to rural areas of the State may be advanced by creating a forum for the Department of Transportation and Department of Business, Economic Development, and Tourism to meet with various stakeholders to develop recommendations for expanding broadband access.

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. 850, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 850, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 870 Ways and Means on S.B. No. 867

The purpose and intent of this measure is to extend the temporary low-income housing tax credit program through December 31,

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation; Department of Community Services of the City and County of Honolulu; EAH Housing; Stanford Carr Development, LLC; League of Women Voters of Hawaii; Hunt Companies, Inc. - Hawaii Division; and Hunt Capital Partners, LLC.

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

Your Committee recognizes that, due to the economic crisis that has resulted from the coronavirus disease 2019 (COVID-19) pandemic, more than eleven thousand Hawaii renters have failed to timely pay their rent in full, and forty percent of rental tenants have lost their jobs. Accordingly, your Committee finds that extending the low-income housing tax credit program will assist in the provision of affordable housing to those who need it.

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. 867, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 867, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 871 Ways and Means on S.B. No. 921

The purpose and intent of this measure is to amend the motion picture, digital media, and film production income tax credit.

More specifically, this measure:

(1) Lowers the cap amount of the tax credit per qualified production from \$15,000,000 to \$12,000,000; and

(2) Requires the Department of Business, Economic Development, and Tourism to make a public disclosure identifying the names of the taxpayers who receive the tax credit and the total amount of tax credits received.

Your Committee received written comments in opposition to this measure from the Honolulu Film Office; Musicians' Association of Hawaii, Local 677, American Federation of Musicians; and one individual.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Taxation; Motion Picture Association; and Tax Foundation of Hawaii.

Your Committee finds that the motion picture, digital media, and film production income tax credit, codified as section 235-17, Hawaii Revised Statutes, is a competitive production credit program that has attracted significant annual investment in the State's economy. Your Committee also notes the serious economic challenges faced by the State, due to the ongoing coronavirus disease 2019 pandemic.

Your Committee has amended this measure by:

- Requiring the Department of Taxation, rather than the Department of Business, Economic Development, and Tourism, to make
 the public disclosure identifying the names of the taxpayers who receive the tax credit and the total amount of tax credits
 received;
- (2) Repealing a statutory requirement that the information provided by the Department of Business, Economic Development, and Tourism in its report to the Legislature regarding the tax credit be reported in a redacted form to preserve the confidentiality of taxpayers;
- (3) Establishing an exception to the general prohibition against the Department of Taxation disclosing tax returns or return information;
- (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. 921, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 921, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 872 Ways and Means on S.B. No. 938

The purpose and intent of this measure is to specify that moneys in the tourism emergency special fund shall be used exclusively for emergency measures that are directly related to safety and security initiatives necessary to respond to any tourism emergency.

The Hawaii Tourism Authority submitted written comments on the measure.

Your Committee finds that the clarification provided by this measure will help to improve the State's oversight and stewardship of public moneys.

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. 938, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 938, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 873 Ways and Means on S.B. No. 950

The purpose and intent of this measure is to require that the 3.5 percent cap on spending from the tourism special fund include all governance and employment expenses and organization-wide costs as administrative expenses.

The Hawaii Tourism Authority submitted written comments on the measure.

Your Committee finds that requiring the cap on spending from the tourism special fund to include all governance and employment expenses and organization-wide costs will help to conserve valuable public funds during this time of economic uncertainty.

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. 950, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 950, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 874 Ways and Means on S.B. No. 337

The purpose and intent of this measure is to enhance the productivity and sustainability of Hawaii's agricultural lands.

More specifically, this measure:

- Requires the Department of Agriculture to establish a three-year cover crop reimbursement pilot program for the acquisition of cover crop seeds, green manure, and compost;
- (2) Establishes a cover crop reimbursement pilot program manager position within the Department of Agriculture; and
- (3) Requires the Department of Agriculture to submit interim and final reports to the Legislature.

Your Committee received written comments in support of this measure from the Hawaii Department of Agriculture, University of Hawaii, Hawaii Alliance for Progressive Action, Kauai Climate Action Coalition, Ka Ohana O Na Pua, Kauai Food Hub, Our Revolution HawaiiAlo, Hawaii SEED, Climate Protectors Hawaii, Hawaii Farm Bureau, Aina Momona, Environmental Caucus of the Democratic Party of Hawaii, Supersistence, and numerous individuals.

Your Committee finds that the pilot program established by this measure will offer incentives for farming operations in the State to use management practices that enhance the quality and sustainability of agricultural lands.

Your Committee has amended this measure by:

- Adding compost as an item eligible for reimbursement under the pilot program and adding definitions of "compost", "compostable materials", and "composting process";
- (2) Deleting the specific amounts appropriated or monetary caps specified and leaving them unspecified;
- (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. 337, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 337, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 875 Ways and Means on S.B. No. 338

The purpose and intent of this measure is to enhance the State's food security.

More specifically, this measure:

- (1) Requires the Department of Agriculture to establish a five-year food hub pilot program to increase access to local food;
- (2) Provides for the award of grant funding to qualified applicants wishing to establish or expand a food hub;
- (3) Authorizes the issuance of general obligation bonds to finance critical infrastructure upgrades for the Honalo Marshalling Yard; and
- (4) Requires the Department of Agriculture to submit interim reports and a final report on the pilot program to the Legislature.

Your Committee received written comments in support of this measure from the Department of Agriculture, Department of Health, Office of Planning, University of Hawaii, Office of Climate Change Sustainability and Resiliency of the City and County of Honolulu, 350Hawaii, Aina Momona, Blue Zones Project, Climate Protectors Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Food+Policy Internship, Hawaii Alliance for Progressive Action, Hawaii Cattlemen's Council, Hawaii Farm Bureau, Hawaii Primary Care Association, Hawaii SEED, Hawaii Ulu Producers Cooperative, Ka Ohana O Na Pua, Kamehameha Schools, Kauai Climate Action Coalition, Kauai Food Hub, Malama Kauai, North Shore Economic Vitality Partnership, Our Revolution Hawaii, Supersistence, Ulupono Initiative, and numerous individuals.

Your Committee received written comments on the measure from the Maui Chamber of Commerce.

Your Committee finds that this measure will help to establish and grow the number of food hubs in the State, which will ultimately widen access to institutional and retail markets for small to mid-sized producers and increase consumers' access to fresh and healthy food.

Your Committee has amended this measure by:

- (1) Deleting the specific amounts appropriated and leaving them unspecified;
- $(2) \quad \text{Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and} \\$
- (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. 338, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 338, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 876 Ways and Means on S.B. No. 350

The purpose and intent of this measure is to facilitate environmental management.

Specifically, the measure:

- (1) Requires the Department of Health to:
 - (A) Fill the vacant staff position of Environmental Management Division Chief by October 1, 2021;
 - (B) Require that the Clean Water Branch of the Environmental Management Division continue to take certain steps regarding testing water quality;
 - (C) Issue certain health advisories during brown water advisories;
 - (D) Take into consideration certain environmental justice issues in relation to Hawaii's beach monitoring program; and
 - (E) Establish an Environmental Management Division Oversight Advisory Board; and
- (2) Requires the Legislative Reference Bureau to conduct a comprehensive review of the Environmental Management Division.

Your Committee received written comments in support of this measure from the Kihei Community Association, Surfrider Foundation, Surfrider Foundation's Kona Kai Ea Chapter, Pono Hawaii Initiative, Hawaii Youth Climate Coalition, Malama Maunalua, Polanui Hiu, Hui o He'e Nalu, Wastewater Alternatives and Innovations, Waiwai Ola Waterkeepers Hawaiian Islands, Kaiola Canoe Club, Hui O Mana Ka Puuwai Outrigger Canoe Club, Friends of Hanauma Bay, Earthjustice, Center for Biological Diversity, WMPA, Windward Coalition for Community Concerns, The Makalii Group, Friends of Mahaulepu, Kiai Wai o Waialeale, HAMER, YPDA Hawaii Environmental Justice, Hawaii Wildlife Fund, Hawaii Strikes Back, Hookipa Network - Kauai, Maui OFR, and numerous individuals.

Your Committee received written comments on this measure from the Department of Health, Legislative Reference Bureau, and two individuals.

Your Committee finds that the Environmental Management Division of the Department of Health provides leadership, policy, oversight, and coordination for its branches relating to clean air, clean water, solid and hazardous water, wastewater, and safe drinking water. Your Committee recognizes that water quality issues are of great concern to both residents and visitors. Your Committee believes it is appropriate to improve oversight, increase water testing, and facilitate communications on the safety of entering coastal waters.

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. 350, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 350, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 877 Ways and Means on S.B. No. 375

The purpose and intent of this measure is to require the Department of Transportation to conduct a study to determine the feasibility of repairing or renovating the Kalaeloa Airport air traffic control tower.

Your Committee received written comments in support of this measure from the Department of Transportation, Makakilo Kapolei Neighborhood Board Transportation Committee, and Palehua Townhouse Association.

Your Committee finds that the study required by this measure will provide stakeholders and the public with valuable information about the current status of the Kalaeloa Airport air traffic control tower.

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. 375, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 375, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 878 Ways and Means on S.B. No. 496

The purpose and intent of this measure is to reduce the State's reliance on imported produce.

More specifically, this measure:

- (1) Establishes within the Department of Agriculture a task force to identify the top ten imported fruits and vegetables that may be commercially grown in the State; and
- (2) Creates an agricultural import replacement tax credit to incentivize local production of these fruits and vegetables.

Your Committee received written comments in support of this measure from the Hawaii Food Industry Association, Ulupono Initiative, Hawaii Farm Bureau, Climate Protectors Hawaii, Environmental Caucus of the Democratic Party of Hawaii, and four individuals.

The Department of Agriculture, Department of Taxation, and Tax Foundation of Hawaii submitted written comments on the measure.

Your Committee finds that the agricultural import replacement tax credit established by this measure will help to incentivize local food production and increase the State's food self-sufficiency.

Your Committee has amended this measure by:

- (1) Inviting, rather than mandating, representatives from private organizations to serve on the task force;
- (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. 496, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 496, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 879 Ways and Means on S.B. No. 702

The purpose and intent of this measure is to require the Committee on Weights to submit a report to the Legislature detailing any changes to the weighted student funding formula within thirty days of the Committee's final report indicating the approval of its recommended change to the formula.

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

Your Committee finds that the report required by this measure will notify the Legislature of Board-approved changes to the weighted student funding formula and help inform any related legislative actions.

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. 702, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 702, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 880 Ways and Means on S.B. No. 717

The purpose and intent of this measure is to require the Department of Hawaiian Home Lands to create a digital database of its applicant, beneficiary, and lessee records.

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 waiting list for leases awarded pursuant to the Hawaiian Homes Commission Act has more than twenty thousand applicants. Your Committee believes that digitizing the Department's applicant, beneficiary, and lessee records will increase departmental efficiency, reduce abuse of lease awards by lessees, and facilitate the efficiency and transparency of the lease award 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 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. 717, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 717, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 881 Ways and Means on S.B. No. 732

The purpose and intent of this measure is to require the Legislative Reference Bureau to study the efficacy of the Hawaii CARES program offered by the Department of Health's Behavioral Health Administration Adult Mental Health Division and submit a report to the 2022 Legislature.

Your Committee received written comments in support of this measure from one individual.

Written comments in opposition were received from the Department of Health.

The Attorney General, Legislative Reference Bureau, and The Queen's Health Systems submitted written comments on the measure.

Your Committee finds that the study required by this measure will provide the Legislature with information on the efficacy of the behavioral health services, including crisis services, offered by the Hawaii CARES program.

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. 732, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 732, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 882 Ways and Means on S.B. No. 1153

The purpose and intent of this measure is to make an emergency appropriation to provide funds for the Department of Health to address collective bargaining and other current expenses related to the statewide comprehensive emergency medical system.

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

Your Committee finds that the funds appropriated by this measure will address the Department of Health's current fiscal year operational budget shortfall of approximately \$6,400,000 and help to prevent reductions in emergency medical services.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1153, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 883 Ways and Means on S.B. No. 1157

The purpose and intent of this measure is to make emergency appropriations to the Department of Health to address the coronavirus disease 2019 (COVID-19) pandemic.

More specifically, this measure appropriates unspecified sums for fiscal year 2020-2021 for:

- (1) Statewide medical surge staffing; and
- (2) The implementation and administration of vaccine and immunization plans and logistics.

Your Committee received written comments in support of this measure from the Hawaii Primary Care Association.

Your Committee finds that the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, provided federal funds to support state-level COVID-19 relief efforts. With the expiration of these federal moneys, your Committee finds that this measure provides additional funds needed to continue funding critical COVID-19 response programs for the remainder of 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 S.B. No. 1157, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 884 Ways and Means on S.B. No. 1234

The purpose and intent of this measure is to address the demand for essential supplies to confront the coronavirus disease 2019 (COVID-19) pandemic.

Specifically, this measure amends Act 9, Session Laws of Hawaii 2020, to authorize the use of federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) moneys to purchase and distribute personal protective equipment, industrial hygiene products, and COVID-19 tests to state departments and attached agencies.

Your Committee received written comments in support of this measure from the Department of Defense, State Procurement Office, Hawaii Health Systems Corporation, and Hawaii Primary Care Association.

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

Your Committee finds that as the COVID-19 pandemic continues, there remains a high demand for personal protective equipment, industrial hygiene supplies, and COVID-19 tests. Accordingly, your Committee finds that this measure allows the State to maximize its use of federal CARES Act moneys by authorizing the purchase of these critical 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. 1234, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 885 Ways and Means on S.B. No. 1142

The purpose and intent of this measure is to establish Kupuna Caregiver-Directed services as a method for delivery of the Kupuna Caregivers program.

More specifically, this measure:

- (1) Clarifies the definitions of "coach," "person-centered support plant," and "support plan," as those terms relate to Kupuna Care and caregiver support services;
- (2) Allows an otherwise eligible caregiver working reduced hours during a declared state of emergency to be considered a qualified caregiver for purposes of Kupuna Care and caregiver support services;
- (3) Defines "financial management service provider," as the term relates to Kupuna Care and caregiver support services;
- (4) Establishes the following Kupuna Caregivers program delivery options, including the requirements for each: traditional service delivery and Kupuna Caregiver-Directed services; and
- (5) Allows for the issuance of Kupuna Caregivers program moneys directly to financial management service providers upon request and receipt of an invoice for services rendered.

Your Committee received written comments in support of this measure from the Department of Human Services, Executive Office on Aging, AARP Hawaii, Aloha Chapter of the Alzheimer's Association, Hale Hauoli Hawaii, Hawaii Family Caregiver Coalition, Policy Advisory Board for Elder Affairs, and numerous individuals.

Your Committee received written comments on this measure from Hawaii Alliance for Retired Americans.

Your Committee finds that allowing for the Kupuna Caregivers program to be delivered through Kupuna Caregiver-Directed services will allow program participants to direct their own services and address their own needs instead of receiving services only through specific contracted service providers. Your Committee also finds that allowing for the issuance of Kupuna Caregivers program moneys directly to financial management service providers will help to prevent the financial exploitation of the State's vulnerable kupuna 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 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. 1142, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1142, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 886 Ways and Means on S.B. No. 1162

The purpose and intent of this measure is to clarify conditions that must be met by applicants in order to receive funds under the forest stewardship program administered by the Board of Land and Natural Resources.

More specifically, this measure modifies program qualification requirements to:

- (1) Increase program eligibility for private forest managers;
- (2) Increase the funds available for management of private forests; and
- (3) Provide protections for native vegetation.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that this measure authorizes increased support for writing forest management plans that will increase program participation among smaller or underserved landowners and ultimately help to improve forest management in the State.

Your Committee has amended this measure by:

- (1) Adding language that provides additional flexibility to the Department of Land and Natural Resources to enter into program implementation agreements for all or selected portions of approved forest management plans; and
- (2) 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. 1162, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1162, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 887 Ways and Means on S.B. No. 1194

The purpose and intent of this measure is to make emergency appropriations to the Department of Public Safety to continue funding for certain programs and activities related to coronavirus disease 2019 (COVID-19) response efforts.

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

Your Committee finds that the emergency appropriations provided by this measure will allow the Department of Public Safety to continue to take necessary precautions against COVID-19 outbreaks in the State's correctional facilities and to maintain the Safe Travels Hawaii program.

Your Committee has amended this measure by:

- (1) Moving the lapse provision into a separate section of the measure;
- (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. 1194, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1194, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 888 Ways and Means on S.B. No. 1196

The purpose and intent of this measure is to facilitate employer compliance with income tax withholding requirements.

Specifically, the measure:

- (1) Changes from the last day of February to January 31 following the close of a calendar year the deadline for an employer to file a duplicate of an employee's wage and tax statement with the Department of Taxation; and
- (2) Subjects an employer to monetary penalties if the employer fails to timely furnish the wage and tax statement to an employee; fails to timely file the statement; or fails to file the statement electronically, if so required by law.

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

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

Your Committee finds that existing state tax law imposes no penalty upon an employer for failing to furnish an employee with the employee's wage and tax statement or failing to file a duplicate of that statement with the Department of Taxation. Your Committee believes that appropriate penalties would encourage compliance with applicable income tax law. Your Committee additionally finds that aligning the state filing deadline with the deadline established by the Internal Revenue Service will facilitate filing of duplicate statements by employers.

Your Committee has amended this measure by:

- (1) Specifying that an employer shall be subject to a monetary penalty if the employer wilfully fails to furnish a wage and tax statement to an employee by the due date; 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. 1196, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1196, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 889 Ways and Means on S.B. No. 1242

The purpose and intent of this measure is to improve trauma-informed care in the State.

Specifically, this measure establishes a trauma-informed care task force to:

- (1) Create, develop, and adopt a statewide framework for trauma-informed and responsive practices;
- (2) Establish best practices for trauma-informed care;
- (3) Provide a trauma-informed care inventory and assessment of public and private agencies and departments;
- (4) Identify cultural practices that build wellness and resilience in communities; and

(5) Submit a report to the Legislature.

Your Committee received testimony in support of this measure from the Department of Human Services, Office of Hawaiian Affairs, Hawaii State Department of Health, Executive Office on Early Learning, Hawaii Youth Services Network, Kinai Eha, HawaiiKidsCAN, Hale Kipa, Hawaii Primary Care Association, Kamehameha Schools, Hawaii Children's Action Network Speaks!, Early Childhood Action Strategy, Hawaii Pacific Health, Hawaii Community Foundation, Papa Ola Lokahi, and five individuals.

Your Committee finds that the deadline for the trauma-informed care task force to submit its report to the Legislature prior to the 2023 Regular Session will not provide enough time to gather the stakeholders, develop a consensus, and draft a substantive report. Extending the report submission deadline by one year will help to provide the time necessary to develop a sustainable interagency plan to implement trauma-informed practices throughout the State.

Your Committee has amended this measure by:

- (1) Providing the task force with an additional year to submit its report;
- (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. 1242, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1242, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 890 Ways and Means on S.B. No. 1250

The purpose and intent of this measure is to establish the Hawaii emergency food assistance program and Hawaii emergency food assistance program special fund.

More specifically, this measure:

- (1) Establishes the Hawaii emergency food assistance program to be administered by the Department of Agriculture and to relieve food shortages during declared states of emergency;
- (2) Establishes the Hawaii emergency food assistance program special fund;
- (3) Requires the Department of Agriculture to administer and authorize expenditures from the Hawaii emergency food assistance program special fund; and
- (4) Appropriates moneys into and out of the Hawaii emergency food assistance program special fund.

Your Committee received written comments in support of this measure from the City and County of Honolulu's Office of Climate Change, Sustainability, and Resiliency; AlohaCare; Chef Point of View Consulting; Feeding Hawaii Together; Hawaii Appleseed Center for Law and Economic Justice; Hawaii Community Foundation; Hawaii Farm Bureau; Hawaii Food Industry Association; Hawaii Foodbank; Hawaii Primary Care Association; Hawaii Public Health Institute; IBEW 1260; Ka Ohana O Na Pua; The Pantry by Feeding Hawaii Together; Ulupono Initiative; and numerous individuals.

Your Committee received written comments on this measure from the Department of Agriculture and Department of Budget and Finance.

Your Committee finds that this measure will increase the State's preparation for, and resilience to, declared states of emergency and help to stabilize the State's entire food supply chain during these emergencies.

Your Committee has amended this measure by:

- Clarifying that the Department of Agriculture shall make moneys available to residents of the State through the Hawaii emergency food assistance program by using the Hawaii emergency food assistance program special fund;
- Clarifying that certain requirements related to the Hawaii emergency food assistance program are only imposed on food banks that receive moneys from the program;
- (3) Deleting this measure's definition of "general fund";
- (4) Making conforming amendments to sections 36-27 and 36-30, Hawaii Revised Statutes, to reflect the exemption of the Hawaii emergency food assistance program special fund from paying for the costs associated with administering the special fund that would otherwise be imposed pursuant to sections 36-27(a) and 36-30(a), Hawaii Revised Statutes;
- (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 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. 1250, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1250, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 891 Ways and Means on S.B. No. 1251

The purpose and intent of this measure is to establish the farm to school meals goals for the State's public school system.

More specifically, this measure:

- (1) Establishes the farm to school program within the Department of Education to require the Department of Education to work with the Department of Agriculture to ensure that:
 - (A) By 2025, fifteen percent of the food served in public schools is locally sourced with fresh local agricultural products, in accordance with the Department of Agriculture's farm to school program; and
 - (B) By 2030, thirty percent of the food served in public schools is locally sourced with fresh local agricultural products, in accordance with the Department of Agriculture's farm to school program;
- (2) Expanding the farm to school program established within the Department of Agriculture to require the Department of Agriculture to work with the Department of Education to ensure that:
 - (A) By 2025, locally sourced products comprise fifteen percent of all food served in public schools; and
 - (B) By 2030, locally sourced products comprise thirty percent of all food served in public schools; and
- (3) Requiring the Department of Education to submit to the Legislature an annual report containing information relevant to the Department of Education's farm to school program.

Your Committee received written comments in support of this measure from the Department of Education, 350Hawaii, Aina Momona, Americans for Democratic Action, Blue Zones Project, Climate Protectors Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Food+ Policy Internship, Hawaii SEED, Hawaii Alliance for Progressive Action, Hawaii Cattlemen's Council, Hawaii Farm Bureau, Hawaii Public Health Institute's Hawaii Farm to School Hui and Obesity Prevention Task Force, Hawaii Food Industry Association, Hawaii Primary Care Association, Ka Ohana O Na Pua, Kauai Climate Action Coalition, Local Food Coalition, Malama Kauai, Our Revolution Hawaii, PlanIt Environmental Vision and Branding, Ulupono Initiative, and numerous individuals.

Your Committee received written comments on this measure from the Department of Agriculture.

Your Committee finds that increasing the amount of locally sourced fresh agricultural products consumed in the State's public schools will ensure that the State's public school students have access to fresh and nutritious foods while also supporting the State's agriculture industry.

Your Committee has amended this measure by:

- (1) Clarifying the metrics for measuring the Department of Education and Department of Agriculture's farm to school meal goals;
- (2) Codifying in statute, rather than session law, the Department of Education's annual reporting requirements regarding the Department of Education's farm-to-school program; 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. 1251, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1251, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 892 Ways and Means on S.B. No. 1271

The purpose and intent of this measure is to encourage individuals to pursue careers in early childhood education.

Specifically, this measure establishes:

- (1) A program to provide stipends to students enrolled in a University of Hawaii early education program;
- (2) Requirements for stipend recipients to work in the field of early education after completion of coursework; and
- (3) Repayment terms for individuals who do not fulfill the work requirements.

Your Committee received written comments in support of this measure from the Hawaii State Public Charter School Commission, Executive Office on Early Learning, Early Childhood Action Strategy, Kaulanakilohana, Hawaii Children's Action Network Speaks!, Early Learning Board, and two individuals.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that providing an incentive for individuals to pursue careers in early childhood education will help to address a workforce shortfall, which has become a barrier to creating an effective statewide early childhood education system.

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. 1271, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1271, S.D. 2.

Signed by the Chair on behalf of the Committee

Ayes, 11. Noes, none. Excused, none.

SCRep. 893 Ways and Means on S.B. No. 1344

The purpose and intent of this measure is to require the Department of Agriculture, in coordination with the Office of Planning, to update the State Agricultural Functional Plan.

More specifically, this measure requires the Department of Agriculture and Office of Planning to prepare a plan that:

- (1) Includes updates on seafood sustainability;
- (2) Includes other agricultural economic updates; and
- (3) Expands the State's priorities on food sustainability by including wild seafood as a viable food source.

Your Committee received written comments in support of this measure from the Office of Planning; University of Hawaii West-Oahu Food+ Policy Internship; Waialua Boat Club; Lokahi Fishing, LLC; United Fishing Agency; Hawaiian Affairs Caucus of the Democratic Party of Hawaii; Aina Momona; Fishing Tales with Mike Sakamoto; Hawaii Fishermen's Alliance for Conservation and Tradition; and numerous individuals.

Your Committee received written comments on this measure from the Department of Agriculture.

Your Committee finds that the updated State Agricultural Functional Plan required by this measure will strengthen Hawaii's food security and provide a strategy for the State's sustainable agricultural development.

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. 1344, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1344, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 894 Ways and Means on S.B. No. 1391

The purpose and intent of this measure is to require the Procurement Policy Board to adopt, by December 31, 2021, specific rules that require the consideration of life-cycle costs in all state procurements.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office.

The State Procurement Office and Department of Accounting and General Services submitted written comments on the measure.

Your Committee finds that this measure promotes full and effective accounting and consideration of life-cycle costs in the procurement of goods, services, and construction, and is thus critical to the prudent management of the State's financial resources.

Your Committee has amended this measure by:

- (1) Conforming the measure's definition of "life-cycle costs" to the definition found in section 196-11, Hawaii Revised Statutes;
- (2) Authorizing, rather than requiring, the Procurement Policy Board to adopt, by December 31, 2021, specific rules relating to life-cycle cost analysis; 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. 1391, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1391, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 895 Ways and Means on S.B. No. 1104

The purpose and intent of this measure is to increase the monetary amount that an injured homeowner may recover from the Contractors Recovery Fund and the maximum liability of the fund for any licensed contractor.

Your Committee received written comments in support of this measure from the Contractors License Board.

Your Committee received written comments in opposition to this measure from the Building Industry Association Hawaii and Subcontractors Association of Hawaii.

Your Committee finds that an increase in construction costs throughout the State has resulted in homeowners being unable to recoup certain financial losses. Your Committee believes that increasing the monetary amount that an injured homeowner may recover from the Contractors Recovery Fund will help to ensure that injured homeowners are better able to recoup these financial losses.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1104 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 896 Ways and Means on S.B. No. 1027

The purpose and intent of this measure is to redesignate the industrial hemp special fund as the hemp special fund and authorize use of the moneys in the fund for the Department of Agriculture's duties regarding hemp as established by Act 14, Session Laws of Hawaii 2020.

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

Your Committee recognizes that hemp cultivation can be a significant asset and contribute to the State's economy. Your Committee notes that Act 14, Session Laws of Hawaii 2020, assigned the Department of Agriculture certain duties relating to the cultivation of hemp within the State. However, your Committee also notes that the Act did not establish a special fund to assist the Department in its efforts to fulfill these duties. Accordingly, your Committee believes that redesignating the industrial hemp special fund as the hemp special fund and amending its provisions will facilitate the Department of Agriculture's performance of its new regulatory duties relating to hemp.

Your Committee has amended this measure by:

- (1) Appropriating moneys out of the hemp special fund for two fiscal years instead of one fiscal year;
- (2) 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. 1027, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1027, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 897 Ways and Means on S.B. No. 1033

The purpose and intent of this measure is to make an emergency appropriation to the Stadium Authority.

More specifically, this measure appropriates moneys for fiscal year 2020-2021 to cover payroll and other current expenses to allow Aloha Stadium to continue to operate and be maintained in a safe condition for the public.

Your Committee received written comments in support of this measure from the Stadium Authority.

Your Committee finds that all public gathering places, including Aloha Stadium and the Aloha Stadium Swap Meet and Marketplace, were closed to the public beginning in March 2020 to slow the spread of the coronavirus disease 2019. Due to this shutdown, Aloha Stadium was no longer able to generate revenue. Consequently, your Committee finds that the Stadium Authority projects that it will exhaust its cash reserves before the end of the current fiscal year.

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. 1033, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1033, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 898 (Majority) Ways and Means on S.B. No. 1097

The purpose and intent of this measure is to regulate nondepository trust companies.

Your Committee received written comments in support of this measure from the Division of Financial Institutions of the Department of Commerce and Consumer Affairs.

Your Committee finds that this measure will allow qualified nondepository trust companies to serve as fiduciaries in the administration and management of assets for the growing number of Hawaii consumers who may need assistance with asset management but do not qualify for services by banks or large investment firms.

Your Committee has amended this measure by:

- (1) Correcting a typographical error in a reference to the upper income limit for assessment of yearly fees on nondepository trusts having total assets under management of at least \$1,000,000,000,000 but less than \$2,000,000,000,000;
- (2) Making an appropriation to the Department of Commerce and Consumer Affairs from the compliance resolution fund to administer nondepository trusts, at the Department's request;
- (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. 1097, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1097, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 899 Ways and Means on S.B. No. 1101

The purpose and intent of this measure is to lessen the severity of property loss in the State from strong winds.

More specifically, this measure:

- (1) Requires the Insurance Commissioner to establish a safe home program to encourage the installation of wind resistive devices;
- (2) Creates a safe home program trust fund and authorizes the award of grant moneys from the fund to owners of single-family, owner-occupied, residential properties in certain circumstances;
- (3) Creates one temporary position within the Insurance Division of the Department of Commerce and Consumer Affairs to implement and administer the program; and
- (4) Requires an annual report of statistical information on the use of the program.

Your Committee received written comments in support of this measure from the Insurance Division of the Department of Commerce and Consumer Affairs; Hawaii Green Infrastructure Authority; Hawaii State Energy Office; Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; Hawaii Insurers Council; University of Hawaii Sea Grant College Program; and one individual.

The State Procurement Office and one individual submitted written comments on the measure.

Your Committee finds that the safe home program will benefit Hawaii residents by encouraging the installation of wind resistive devices designed to reduce the incidence and severity of personal injury and property damage in the event of a hurricane. Your Committee also finds that the program will stimulate economic growth and activity in the State by creating opportunities for the sale and installation of wind resistive devices.

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. 1101, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1101, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 900 Ways and Means on S.B. No. 1107

The purpose and intent of this measure is to improve the mitigation of hazardous situations.

Specifically, this measure:

- (1) Establishes the hazard mitigation special fund to accept revenues from the recovery and reimbursement of mitigating hazards and funds appropriated by the Legislature; and
- (2) Specifies that moneys in the hazard mitigation special fund shall be used for personnel costs and operating and administrative costs deemed necessary by the agency to mitigate hazardous situations.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office, AARP Hawaii, and two individuals.

Your Committee finds that having an established funding mechanism will help to reduce the time between the identification of a hazardous condition and the implementation of mitigation efforts.

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. 1107, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1107, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 901 Ways and Means on S.B. No. 1116

The purpose and intent of this measure is to make emergency appropriations to address the coronavirus disease 2019 (COVID-19) pandemic.

More specifically, this measure appropriates funds for fiscal year 2020-2021 to the Department of Defense for the:

- (1) Safe Travels Hawaii airport screening program;
- (2) Operation of a call center for the Safe Travels Hawaii airport screening program; and
- (3) Procurement, storage, and distribution of personal protective equipment to schools and other state agencies.

Your Committee received written comments in support of this measure from the Department of Defense and Hawaii Primary Care Association.

Your Committee finds that the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, provided federal funds to support state-level COVID-19 relief efforts. With the expiration of these federal moneys, your Committee finds that this measure provides additional funds needed to continue funding critical COVID-19 response programs for the remainder of fiscal year 2020-2021.

Your Committee has amended this measure by:

- Deleting a provision authorizing the Governor to transfer funds appropriated by the measure among all executive agencies and
 to transfer funds in excess of what is needed for the Department of Defense to the Governor's contingency fund;
- (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. 1116, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1116, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 902 Ways and Means on S.B. No. 1117

The purpose and intent of this measure is to make an emergency appropriation to the Office of the Governor to address the coronavirus disease 2019 (COVID-19) pandemic.

More specifically, this measure:

- (1) Appropriates an unspecified sum for fiscal year 2020-2021 to supplement the continuation of COVID-19 response programs and activities; and
- (2) Authorizes the Governor to transfer those funds to other executive agencies or the Governor's contingency fund.

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

Your Committee finds that the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, provided federal funds to support state-level COVID-19 relief efforts. With the expiration of these federal moneys, your Committee finds that this measure provides additional funds needed to continue funding critical COVID-19 response programs for the remainder of fiscal year 2020-2021.

Your Committee has amended this measure by:

- (1) Providing that moneys appropriated to the Office of the Governor pursuant to the measure shall not be expended unless the Governor first:
 - (A) Establishes a task force to develop recommendations on the roles and responsibilities of the Department of the Attorney General and county police departments in the enforcement of emergency rules or orders issued by the Governor and the counties to address the COVID-19 pandemic, and requires the task force to submit a report of its findings and recommendations to the Legislature by an unspecified date; and
 - (B) Issues, by emergency order, a statewide multi-tier system to address the COVID-19 pandemic; provided that the system shall be deployed at the county level and shall include clear metrics for each tier that address types of businesses that are authorized to be open, types of activities that are allowable, any in-person gathering restrictions, and any other pandemic-related policies and rules;
- (2) Appropriating an unspecified sum for fiscal year 2021-2022 to the Department of the Attorney General for enforcement of COVID-19-related emergency orders and rules; 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. 1117, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1117, S.D. 2.

Signed by the Chair on behalf of the Committee

Ayes, 11. Noes, none. Excused, none.

SCRep. 903 Ways and Means on S.B. No. 1137

The purpose and intent of this measure is to increase from \$3,000,000 to \$5,000,000 the maximum amount of unencumbered and unexpended moneys that may be retained in the spouse and child abuse special fund.

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

Your Committee recognizes the need to finance efforts for intervention in, and the prevention of, spouse and child abuse cases. Your Committee notes that the Department of Human Services anticipates that it will be able to begin drawing down certain federal reimbursement moneys for prevention services under the Family First Hawaii program. Accordingly, your Committee believes it is appropriate to ensure that the moneys that will be received will not lapse to the general fund, but will remain in the spouse and child special fund until the moneys may be used for their intended purpose.

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. 1137, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1137, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 904 Ways and Means on S.B. No. 1138

The purpose and intent of this measure is to increase the annual expenditure ceiling of the Office of Healthcare Assurance special fund.

Your Committee received written comments on this measure from the Department of Health.

Your Committee finds that this measure will help decrease reliance on general funds during a period of budget uncertainty.

Your Committee has amended this measure by:

- (1) Providing that the annual expenditure ceiling of the Office of Healthcare Assurance special fund shall be established through the state budget process and authorizing emergency spending beyond the established budget ceiling, as suggested in written comments from the Department of Health; 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. 1138, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1138, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 905 (Joint) Commerce and Consumer Protection and Ways and Means on S.B. No. 755

The purpose and intent of this measure is to require lessors of rental motor vehicles to include, in the rental agreement, an option for the lessee of the vehicle to contribute money to the Department of Land and Natural Resources to be utilized for the preservation of the environment.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committees received testimony in opposition to this measure from Avis Budget Group and Enterprise Holdings.

Your Committees find that the protection of natural resources is critical to the future of the State's tourism industry, and many visitors choose to vacation in the State to experience its unique natural resources. However, due to the effects of climate change, Hawaii's natural resources are at risk. Recognizing their own impacts on the environment, certain individuals may be more willing to pay fees to contribute to conservation initiatives if they know their contributions will be used directly to manage natural resources. Your Committees note that other states have successfully utilized voluntary contributions to raise monies for the protection of their natural resources, and that a similar program in Hawaii would raise funds for the State's environmental management efforts.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 755, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 906 (Joint/Majority) Commerce and Consumer Protection and Ways and Means on S.B. No. 23

The purpose and intent of this measure is to repeal vehicle license recovery fees.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs. Your Committees received testimony in opposition to this measure from Avis Budget Group and Enterprise Holdings.

Your Committees find that, prior to Act 137, Session Laws of Hawaii 2017 (Act 137), the car rental industry was not allowed to pass on one-time fees, such as use taxes on vehicle importation and license plate fees. Instead, they were only allowed to visibly pass on recurring costs, such as general excise taxes, license and registration fees, surcharge taxes, and rents and fees payable to the Department of Transportation. Act 137, however, added first-time fees to the litany of other fees that car rental companies were authorized to visibly pass on to customers and changed the method of calculating the pass-on costs, resulting in some customers being charged more than their fair share of the taxes and fees. This measure repeals the authority of car rental companies to pass on vehicle license recovery fees to customers and adjusts the calculation methods of fees passed on to customers to be more fairly and directly attributable to their use of the vehicle on a particular day.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 23, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees. Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 10. Noes, 1 (Inouye). Excused, none.

SCRep. 907 (Joint) Commerce and Consumer Protection and Ways and Means on S.B. No. 931

The purpose and intent of this measure is to:

- (1) Prohibit, after December 31, 2035, any new extension, improvements, overhauling, or refurbishing of any fossil fuel electricity generation or fossil-fuel powered electricity use for grid-tied battery energy storage, except for routine maintenance or minor repairs up to \$2,500,000 per existing facility in order to maintain reliability; and
- (2) Prohibit, after December 31, 2045, the use of fossil fuels for electricity generation or grid-tied battery energy storage.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of Design and Construction, League of Women Voters of Hawaii, Climate Protectors Hawaii, Environmental Caucus of the Democratic Party of Hawaii, 350 Hawaii, Hawaii Clean Power Alliance, Environmental Justice Task Force of Faith Action for Community Equity, and four individuals. Your Committees received testimony in opposition to this measure from Hawaiian Electric Company; Kaua'i Island Utility Cooperative; and Royal Contracting Co., Ltd. Your Committees received comments on this measure from the Hawaii State Energy Office, Department of Commerce and Consumer Affairs, Public Utilities Commission, and General Contractors Association of Hawaii.

Your Committees find that climate change is a serious threat facing our State and promoting renewable energy resources is necessary to reduce the State's dependence on fossil fuels and accomplish its goal of a one hundred percent renewable portfolio standard by the year 2045. This measure phases out the use of fossil fuels for energy generation and storage to assist the State in reaching this goal.

Your Committees note that Hawaiian Electric Company has exceeded its goal of thirty percent renewable energy as of this year, and its most recent power supply improvement plan update forecasts the one hundred percent renewable portfolio standard will be reached in 2040. Your Committees further note that the Public Utilities Commission is currently overseeing the creation and implementation of an Integrated Grid Planning Report, which proposes to merge three historically separate planning processes (generation, transmission, and distribution), while integrating competitive procurement into a comprehensive grid planning approach to attain a more holistic understanding of each island's grid.

Your Committees have heard the concerns raised in testimony that this measure, as currently drafted, may have certain unintended consequences relating to reliability and resiliency issues, and fails to extend similar exemptions under existing law for electric utility companies that are unable to meet certain standards due to emergencies or events and circumstances outside of their reasonable control. Therefore, amendments to this measure are necessary to address these concerns.

Your Committees have amended this measure by:

- Clarifying that, beginning after December 31, 2045, the Public Utilities Commission shall not approve or extend any
 electricity generation facility that applies or proposes to use fossil fuels to generate electricity or to store electricity into a
 public utility grid-tied energy storage system resource;
- (2) Deleting language that, beginning after December 31, 2035, would have prohibited the Public Utilities Commission from approving or extending any material improvements to any existing electricity generation facilities that extend the life of fossil fuel-powered electricity generation or storage facilities, except for routine maintenance or minor repairs up to \$2,500,000 to maintain reliability;
- (3) Inserting language authorizing the Public Utilities Commission to waive, in whole or in part, any applicable penalties if the Commission determines that an electricity generation or storage facility is unable to meet the requirements contemplated under this measure due to certain events or circumstances beyond foreseeable control of the facility;
- (4) Deleting "battery" from the terms "renewable energy-powered energy storage" and "fossil fuel-powered energy storage" to ensure that other forms of storage technology are also subject to the requirements imposed by this measure;
- (5) Inserting an effective date of July 1, 2055, to encourage further discussion; 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 and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 931, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 931, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 908 (Joint) Commerce and Consumer Protection and Ways and Means on S.B. No. 1216

The purpose and intent of this measure is to:

- Add a requirement for certain commercial driver's license applicants to complete an entry-level driver training course before taking a skills test for licensure; and
- Exempt applicants holding a valid commercial learner's permit or commercial driver's license obtained prior to February 7, 2022.

Your Committees received testimony in support of this measure from the Department of Transportation.

Your Committees find that the Federal Motor Carrier Safety Administration can withhold funds from states that fail to implement the newly mandated federal requirements for additional entry-level training for certain commercial driver's license applicants. Your Committees further note that approximately two-thirds of all states have already implemented this requirement. Considering the exceptional penalties that would be assessed against the State for failure to comply, this measure is important to keep the State in compliance and to continue to receive the full apportioned amounts from the federal Highway Trust Fund.

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 and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1216, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1216, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 909 (Joint) Commerce and Consumer Protection and Ways and Means on S.B. No. 628

The purpose and intent of this measure is to:

- (1) Commence the transfer of the Oahu Regional Health Care System in its entirety from the Hawaii Health Systems Corporation to the Department of Health, beginning with the transfer of the Oahu Regional Health Care System's budget into the Department of Health;
- (2) Enable the Oahu Regional Health Care System, Department of Health, Hawaii Health Systems Corporation, and other state agencies to manage and implement the processes required to effectuate the completion of the transition;
- (3) Provide certain protections and exemptions for the Oahu Regional Health Care System and the Inpatient Services Division of the Department of Health; and
- (4) Prohibit the substantial reduction or elimination of direct patient care at any Oahu Regional Health Care System facility unless certain conditions are met.

Your Committees received testimony in support of this measure from the Department of Health, Oahu Region Hawaii Health Systems Corporation, University of Hawaii'i System, and The Queen's Health Systems. Your Committees received testimony in opposition to this measure from the State Procurement Office. Your Committees received comments on this measure from the Department of the Attorney General and the Hawaii Government Employees Association.

Your Committees find that the Oahu Region of the Hawaii Health System Corporation (Oahu Region) almost exclusively provides services for those who are unable to obtain much needed care in private facilities and rely on Medicaid to fund their care. The Oahu Region also provides care for incarcerated inmates released for compassionate care, psychiatric patients from the Hawaii State Hospital who have significant long-term care needs, and operates more as a necessary social service rather than a health care business. Oahu alone is projected to need an additional one thousand one hundred long-term care beds in the next five to ten years, and because revenues cannot be easily generated to provide these vital services, the Oahu Region should be transitioned from the Hawaii Health System Corporation into the Department of Health. This measure will help alleviate pressure on hospital emergency departments and acute care hospital facilities and expand access to beds and services for patients suffering from mental health and substance abuse disorders.

Your Committees have amended this measure by:

- (1) Clarifying that an employee, except in the instance of discipline, shall be entitled to remain employed in the employee's current position for a period of no less than one year after the transition of the Oahu Region Health Care System into the Department of Health is complete; 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 and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 628, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 628, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Wakai).

SCRep. 910 (Joint) Commerce and Consumer Protection and Ways and Means on S.B. No. 1144

The purpose and intent of this measure is to amend the marriage license statute to support the Hawaii Birth Defects Program, modernization of the vital statistics system, and operating costs of marriage license agents.

Your Committees received testimony in support of this measure from the Department of Health.

Your Committees find that portions of marriage license fees are deposited into the general fund and various special funds, including the Birth Defects Special Fund, which supports the Birth Defects Program (Program). The purpose of the Program is to collect surveillance information on birth defects and other adverse reproductive outcomes, report trends and information for the development of prevention strategies to reduce incidents of birth defects, and improve access to health and early intervention services for children with birth defects. Because the Program's salary and fringe expenses have doubled since the last increase in 2002, increasing the marriage license fee will allow the Program to maintain its mandated responsibilities and ensure sufficient funding for operating expenses. Additionally, the current vital statistics computer system that includes the marriage license issuance and registration system is over twenty years old and needs to be modernized. Your Committees also find that marriage license agents have not had a fee increase since 1998. An increase to the marriage license fee is therefore necessary to provide funding to support these programs and services.

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 and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1144, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1144, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 2 (Kidani, Wakai).

SCRep. 911 (Joint) Ways and Means and Judiciary on S.B. No. 791

The purpose and intent of this measure is to clarify various processes and responsibilities relating to unauthorized and abandoned vessels.

More specifically, this measure:

- (1) Clarifies the processes for the removal of unauthorized vessels;
- (2) Clarifies the criteria for determining whether a vessel has been abandoned;
- (3) Reduces the time frame for claiming an unauthorized or abandoned vessel that has been impounded by the Department of Land and Natural Resources;
- (4) Establishes penalties for the abandonment of a vessel in the waters of the State or on public property;
- (5) Clarifies auction requirements regarding abandoned vehicles; and
- (6) Authorizes the Department of Land and Natural Resources to charge impound storage fees for abandoned vessels.

Your Committees received written comments in support of this measure from the Department of Land and Natural Resources, the Department of Customer Services of the City and County of Honolulu, one member of the Honolulu City Council, and the Hawaii Reef and Ocean Coalition.

Your Committees find that this measure will allow the Department of Land and Natural Resources to more quickly and efficiently respond to unauthorized, abandoned, grounded, and derelict vessels.

Your Committees have amended this measure by 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. 791, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 791, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 11. Noes, none. Excused, none.

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 912 Ways and Means on S.B. No. 920

The purpose and intent of this measure is to establish a state clean ground transportation goal for all state fleet light-duty vehicles to be one hundred per cent zero-emission vehicles by December 31, 2030.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office, 350Hawaii, Blue Planet Foundation, Climate Protectors Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Hawaii Automobile Dealers Association, Hawaii Electric Vehicle Association, Hawaiian Electric Company, Kauai Climate Action Coalition, Our Revolution Hawaii, Ulupono Initiative, Western States Hydrogen Alliance, and numerous individuals.

Your Committee received written comments on this measure from the State Procurement Office and SanHi Government Strategies.

Your Committee finds that the goals established by this measure are attainable and will help to reduce the State's carbon emissions.

Your Committee has amended this measure by:

- Codifying the State's clean ground transportation goal in Chapter 105, Hawaii Revised Statutes, instead of Chapter 264, Hawaii Revised Statutes;
- (2) Deleting language requiring that the procurement policy for each agency purchasing or leasing light-duty motor vehicles to, among other things, meet the State's clean ground transportation goal established by this measure;
- (3) Deleting the provision requiring that vehicles acquired from another state agency and excluded vehicles be included in the calculation of the State's clean ground transportation goals;
- (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. 920, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 920, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 913 (Joint) Ways and Means and Judiciary on S.B. No. 974

The purpose and intent of this measure is to create a licensing process for, and consumer protection measures governing, small dollar installment loans.

Your Committees received written comments in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committees received written comments in opposition to this measure from Maui Loan Inc. and one individual.

Your Committees find that this measure will provide a beneficial alternative to Hawaii's check cashing industry, with greater oversight and additional protections for consumers.

Your Committees have amended this measure by:

- (1) Defining "elder" for the purposes of section 412:9-X, Hawaii Revised Statutes;
- (2) Deleting sections 6 and 10 of the measure and renumbering the remaining sections accordingly;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for the 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. 974, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 974, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Wakai).

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 914 Ways and Means on S.B. No. 1237

The purpose and intent of this measure is to reduce the cap amounts of the renewable energy technologies income tax credit.

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 Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; Sunaru, Inc., dba Solar Help Hawaii; Photonworks Engineering, LLP; Affordable Solar Contracting; Solar Services of Hawaii; Green Power Projects; Hawaii PV Coalition; Hawaii Solar Energy Association; Tesla; Blue Planet Foundation; Inter-Island Solar Supply; PV TECH; and nine individuals.

Your Committee received written comments on this measure from the Department of Taxation, Hawaii Green Infrastructure Authority, Hawaii State Energy Office, Tax Foundation of Hawaii, Hawaiian Electric, Kauai Island Utility Cooperative, and Ulupono Initiative.

Your Committee finds that this measure would amend the renewable energy technologies income tax credit by reducing the applicable cap amounts allowed to qualified taxpayers by fifty percent.

Your Committee has amended this measure by:

- (1) Providing that, for commercial property used for eligible community-based renewable energy projects, the cap amount shall be \$500,000 per system for:
 - (A) Solar energy systems for which the primary purpose is not to heat water for household use; and
 - (B) Wind-powered energy systems;
- (2) Clarifying that the measure shall apply to taxable years beginning after December 31, 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. 1237, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1237, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 915 Ways and Means on S.B. No. 1275

The purpose and intent of this measure is to provide for the establishment of leave sharing programs for state and county employees.

More specifically, this measure:

- (1) Requires each branch of state government to establish a leave sharing program for each branch's respective employees;
- (2) Authorizes the chief executive of each county to establish a leave sharing program;
- (3) Restricts each branch of state government from prohibiting leave sharing between different departments or bargaining units due to administrative infeasibility; and
- (4) Appropriates moneys to the Department of Human Resources.

Your Committee received written comments in support of this measure from the Hawaii Government Employees Association and Hawaii State Teachers Association.

Your Committee received written comments in opposition to this measure from the Department of Human Resources Development.

Your Committee finds that permitting leave sharing between different state or county departments and bargaining units will benefit the general well-being of the affected employees and result in the State and applicable counties operating more effectively.

Your Committee has amended this measure by:

- Clarifying that this measure's restrictions on state government branches prohibiting leave sharing between different departments or bargaining units because of administrative infeasibility also apply to any county that establishes a leave sharing program pursuant to section 78-26, 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. 1275, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1275, S.D. 2.

Signed by the Chair on behalf of the Committee

Ayes, 11. Noes, none. Excused, none.

SCRep. 916 Ways and Means on S.B. No. 1297

The purpose and intent of this measure is to extend the authorization to issue special purpose revenue bonds to assist MauiGrown Coffee, Inc., a Hawaii corporation, with expanding its coffee farm and coffee mill in Puukolii, Maui.

Your Committee received written comments in support of this measure from the Hawaii Department of Agriculture; Maui Chamber of Commerce; and MauiGrown Coffee, Inc.

Your Committee received written comments in opposition to this measure from Neighborhood Place of Puna.

Your Committee finds that extending the special purpose revenue bond issuance authorization will help MauiGrown Coffee, Inc., protect its crops against coffee berry borers, coffee leaf rust, and other devastating plant diseases.

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. 1297, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1297, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 917 (Joint) Ways and Means and Judiciary on S.B. No. 1320

The purpose and intent of this measure is to incorporate a regenerative framework into the State Planning Act by establishing objectives and policies for Hawaii's visitor industry.

Your Committees received written comments in support of this measure from the Hawaii Tourism Authority; Maui Tomorrow Foundation, Inc.; Ekolu Mea Nui; Aina Momona; Kauai Women's Caucus; Hui o Hoohonua; Kanaeokana; Apollo Kauai, Zero Waste Kauai; and numerous individuals.

Your Committees received written comments on this measure from the Office of Planning.

Your Committees find that the objectives and policies established by this measure will help Hawaii transition to a more sustainable form of tourism as part of the State's long-term economic recovery.

Your Committees have amended this measure by 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. 1320, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1320, S.D. 1.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 11. Noes, none. Excused, none. Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 918 Ways and Means on S.B. No. 221

The purpose and intent of this measure is to authorize the Governor's Coordinator on Homelessness to develop plans for each county to coordinate the services and shelter facilities of public agencies and nonprofit organizations to address the concerns of impacted communities and the needs of applicable homeless populations.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Hawaii Youth Services Network, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, and Hoomau Ke Ola.

Your Committee received written comments on this measure from the Governor's Coordinator on Homelessness.

Your Committee finds that allowing the Governor's Coordinator on Homelessness to develop separate regional plans for each county to coordinate the homelessness services and shelter facilities of public agencies and nonprofit organizations will allow the Governor's Coordinator on Homelessness to more effectively address homelessness in each community.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 221, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

CRep. 919 Ways and Means on S.B. No. 229

The purpose and intent of this measure is to require each department to submit to the Auditor an annual report for each non-general fund account.

More specifically, this measure:

- (1) Requires each department to submit to the Auditor, in addition to the Legislature, an annual report for each non-general fund
- (2) Requires that each department's annual report for each non-general fund account include, among other things, the status of implementing certain recommendations made by the Auditor and any reasons that no action has been taken, if applicable; and
- (3) Requires the Auditor to include in the Auditor's annual report on certain special, revolving, and trust funds an identification of any recommendations that were included in any of the Auditor's reports published over the previous five years but have not yet been implemented.

No written comments were received on this measure.

Your Committee finds that the State's budget deficit resulting from the coronavirus disease 2019 pandemic has confirmed that the State requires valuable, detailed information regarding the State's non-general funds. Your Committee believes that it is appropriate for the Auditor, in addition to the Legislature, to receive this information each year.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 229, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 920 Ways and Means on S.B. No. 1039

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 finds that this measure serves as the vehicle by which payments of claims against the State are authorized and funded by an appropriation of general and special funds, and that timely passage of this measure will minimize the State's obligation to pay interest that accrues on claim amounts.

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. 1039, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1039, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 921 Ways and Means on S.B. No. 466

The purpose and intent of this measure is to provide for the efficient operation of the School Facilities Agency.

More specifically, this measure amends Act 72, Session Laws of Hawaii 2020, by:

- (1) Requiring the School Facilities Agency to comply with the Hawaii Public Procurement Code;
- (2) Providing additional powers and duties to the School Facilities Agency;
- (3) Specifying additional uses for the school facilities special fund; and
- (4) Providing the Executive Director of the School Facilities Agency with additional authority relating to capital improvement projects of the School Facilities Agency.

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

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

Your Committee finds that, as enacted, Act 72, Session Laws of Hawaii 2020, did not clearly describe the powers and responsibilities of the School Facilities Agency. This measure amends Act 72 to provide additional guidance and provide for the efficient operation of the School Facilities Agency.

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

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 466, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 466, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Taniguchi). Noes, none. Excused, 2 (Kidani, Moriwaki).

SCRep. 922 (Joint) Ways and Means and Judiciary on S.B. No. 613

The purpose and intent of this measure is to increase the physician workforce, particularly for rural and medically underserved areas.

More specifically, this measure:

- (1) Repeals the requirement that not less than fifty percent of the physician workforce assessment fees transferred or deposited into the John A. Burns School of Medicine special fund be expended for physician workforce assessment and planning efforts;
- (2) Repeals the cap on expenditures from the John A. Burns School of Medicine special fund;
- (3) Authorizes funds from the John A. Burns School of Medicine special fund to be expended for loan repayments to physicians who commit to working in certain underserved areas; and
- (4) Authorizes funds from the John A. Burns School of Medicine special fund to be expended for scholarships to medical students.

Your Committees received written comments in support of this measure from the Department of Labor and Industrial Relations, University of Hawaii System, Hawaii State Rural Health Association, The Queen's Health Systems, Hawaii Primary Care Association, Hawaii Medical Association, Hawaii Pacific Health, and one individual.

Your Committees received comments on this measure from the Hawaii Medical Board.

Your Committees find that the scholarships and financial flexibility provided by this measure will help to reduce the student loan debt of medical school graduates so that they can afford to practice medicine in lower-paying rural and medically underserved areas of the State where the need for physicians is the greatest.

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. 613, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 613, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 11. Noes, none. Excused, none. Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 923 Ways and Means on S.B. No. 614

The purpose and intent of this measure is to exempt certain unemployment insurance benefits from the state income tax.

More specifically, this measure:

- (1) Exempts from the state income tax any unemployment insurance compensation and pandemic unemployment assistance payments received between March 1, 2020, and December 31, 2020; and
- (2) Requires the Department of Taxation to allow individuals to credit against the individual's overall state income tax liability the state income tax that was deducted and withheld from the individual's unemployment compensation or pandemic unemployment assistance between March 1, 2020, and December 31, 2020.

Your Committee received written comments in support of this measure from Hawaii Iron Workers Stabilization Fund; Hawaii Lodging and Tourism Association; Hawaii Workers Center; IATSE Local 665; ILWU Local 142; Pono Hawaii Initiative; UFCW 480; We Are One, Inc.; and numerous individuals.

Your Committee received written comments in opposition to this measure from four individuals.

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 exempting from state income tax certain unemployment compensation and pandemic unemployment assistance payments received by residents of the State as a result of the coronavirus disease 2019 pandemic will help to alleviate significant economic hardships experienced by numerous residents of 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. 614, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 614, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Kidani).

SCRep. 924 Ways and Means on S.B. No. 645

The purpose and intent of this measure is to amend the county surcharge on state tax.

More specifically, this measure:

- (1) Extends the period in which a county may adopt a surcharge on state tax, under certain conditions; and
- (2) Authorizes the use of county surcharge revenues for affordable and workforce housing infrastructure.

Your Committee received written comments in support of this measure from a member of the Maui County Council.

Your Committee received written comments on this measure from the Department of Taxation, Maui Chamber of Commerce, NAIOP Hawaii, and Tax Foundation of Hawaii.

Your Committee finds that this measure supports the development of affordable and workforce housing, which will allow skilled employees to remain in the State, instead of leaving due to a lack of affordable housing options.

Your Committee has amended this measure by:

- (1) Changing the date by which a county may adopt a surcharge on state tax from July 1, 2023, to July 1, 2022;
- (2) Changing the date upon which the Department of Taxation is authorized to begin levying the surcharge from July 1, 2023, to January 1, 2023; 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. 645, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 645, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Kidani).

SCRep. 925 Ways and Means on S.B. No. 651

The purpose and intent of this measure is to rename the Kahului Airport Access Road as Mayor Elmer F. Cravalho Way.

Your Committee received written comments in support of this measure from numerous individuals.

Your Committee finds that renaming the Kahului Airport Access Road as Mayor Elmer F. Cravalho Way is a fitting tribute that will honor the legacy and memory of the County of Maui's first mayor.

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. 651, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 651, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 926 Ways and Means on S.B. No. 659

The purpose and intent of this measure is to make certain amendments to the State's low-income housing tax credit.

More specifically, the measure:

- (1) Allows the tax credit to be allocated among the partners or members of the taxpayer earning the credit in any manner by those parties; and
- (2) Requires claims for the tax credit to include copies of applicable federal tax documents;
- (3) Provides that for taxable years after December 31, 2020:
 - (A) Certain federal provisions relating to the installment method, risk, and passive activity shall not be operative;
 - (B) All allocations to partners or members of their distributive shares of income, loss, and deductions under state income tax law shall be made in accordance with the written agreement of the partners or members;
 - (C) The total amount of state credits allocated for the qualified low-income building shall not exceed fifty per cent of the total amount of federal credits allocated to the building for the ten-year federal credit period; and
 - (D) The deductions and expenses claimed by all Hawaii taxpayers on Hawaii income tax returns shall not exceed the deductions and expenses claimed by all taxpayers on federal returns;

provided that the foregoing shall not apply to any building that ceases to be a qualified low-income building; and

(4) Extends from December 31, 2021, to December 31, 2027, the sunset of certain provisions relating to the tax credit that were established by Act 129, Session Laws of Hawaii 2016.

Your Committee received written comments in support of this measure from EAH Housing; Bank of Hawaii; Dowling Co., Inc.; Hunt Companies - Hawaii; Hunt Capital Partners, LLC; Schatz Collaborative, LLC; Pacific Resource Partnership; Maui Chamber of Commerce; NAIOP Hawaii; Sugar Creek Capital; and Faith Action Housing NOW!

Your Committee received written comments on this measure from the Department of Taxation, Hawaii Housing Finance and Development Corporation, and Tax Foundation of Hawaii.

Your Committee believes that partners or members of a partnership or limited liability company should be able to decide how to allocate any low-income housing tax credits earned during a taxable year. Your Committee recognizes that because the State's low-income housing tax credit law incorporates the federal tax provisions that relate to at-risk rules and passive activity loss rules, the state tax credit attracts a limited scope of investors. Accordingly, your Committee believes that by specifying that the state tax credit shall not be subject to federal tax provisions, the scope of taxpayers who will use the tax credit will increase and thus spur investment in such developments.

Your Committee has amended this measure by:

- Specifying that the low-income housing tax credit may be allocated by the partnership or limited liability company in any
 manner agreed to by the partners or members, so long as the individual or entity is deemed to be a partner or member pursuant
 to applicable state law;
- (2) Deleting language allowing an individual or an entity to be admitted to a partnership after the end of the taxable year, but before the individual or entity files a tax return;
- (3) Clarifying that the application of certain provisions of the measure are contingent upon the date a qualified low-income building is placed in service;
- (4) Applying the Act to taxable years beginning after December 31, 2024;
- (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. 659, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 659, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 927 (Majority) Ways and Means on S.B. No. 666

The purpose and intent of this measure is to establish planning and funding mechanisms to protect the State's unique environmental assets:

Specifically, the measure:

- (1) Establishes the conservation workforce special fund to finance workforce programs and services that promote certain environmental goals;
- (2) Requires the Department of Land and Natural resources and the Office of Planning to convene a Conservation Advisory Committee to develop criteria and a framework to ensure proper management of the conservation workforce special fund; and
- (3) Establishes a ten-year pilot visitor green fee surcharge for each guest of a transient accommodation, effective July 1, 2021.

Your Committee received written comments in support of this measure from Ulupono Initiative, Zero Waste Oahu, Conservation International, Kanu Hawaii, Surfrider Foundation Hawaii, Hawaii Alliance for Community-Based Economic Development, Sustainable Coastlines Hawaii, Hawaii Reef and Ocean Coalition, Hawaii Alliance for Progressive Action, Wastewater Alternatives and Innovations, Young Progressives Demanding Action, Hawaii Youth Climate Coalition, National Tropical Botanical Garden, Imua Alliance, Hawaii Government Employees Association, Kupu, Kua Aina Ulu Auamo, The Trust for Public Land, and nine individuals.

Your Committee received written comments in opposition to this measure from Maui Chamber of Commerce, Kohala Coast Resort Association, Fairmont Orchid, and Hawaii Lodging and Tourism Association.

Your Committee received written comments on this measure from the Department of Land and Natural Resources, Department of Budget and Finance, Department of Taxation, Office of Planning, Hawaii Tourism Authority, Tax Foundation of Hawaii, Climate Protectors Hawaii, Grassroot Institute of Hawaii, and two individuals.

Your Committee finds that each year, the State's reefs, oceans, beaches, and forests benefit residents and visitors alike, and are vital to the tourism industry. These natural resources provide billions of dollars in value to the state economy and form an important part of residents' cultural identity.

Your Committee also finds that the tourism industry has been disproportionately impacted due to the coronavirus disease 2019 (COVID-19) pandemic, and that the State needs to take action to restore the vibrancy of the tourism sector. However, steps must be taken to ensure sustainability, which may occur through comprehensive funding for green job growth that contributes to the economic and environmental well-being of the State.

Your Committee has amended this measure by:

- (1) Deleting language establishing of the Conservation Advisory Committee;
- (2) Deleting language making the assessment and collection of the \$20 green fee surcharge contingent upon the total number of visitor arrivals reaching a threshold level of five million visitors or more during the preceding calendar year, based on statistics from the Hawaii Tourism Authority;
- (3) Changing its effective date to January 1, 2022, and its repeal date to December 31, 2031; 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. 666, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 666, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 928 Judiciary on S.B. No. 1122

The purpose and intent of this measure is to:

- Clarify requirements on the county boards of water supply to ensure adequate water supplies to residents of Hawaiian home lands; and
- (2) Add representation on the county boards of water supply of the interests to be served by the allocation of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Hawaiian Home Lands, and one individual. Your Committee received testimony in opposition to this measure from the County of Hawai'i, Department of Water of the County of Kaua'i, Board of Water Supply of the City and County of Honolulu, Department of Water Supply of the County of Hawai'i, Water Board of the County of Hawai'i, and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the lack of available water has been and remains a significant barrier to the State's ability to develop projects on Hawaiian home lands. The Department of Hawaiian Home Lands has worked in conjunction with the Department of Land and Natural Resources' Commission on Water Resource Management to set groundwater and surface water reservations for Hawaiian home lands projects on each island with lands set aside for homesteading purposes. However, your Committee further finds that there is no statewide standard for policies and procedures to provide for these water reservations. Your Committee additionally finds that the

county boards and departments of water supply provide a vital and essential service to the counties, and that a requirement to reallocate significant water resources runs the risk of disregarding pre-existing legal protections and systems regarding water use and allocation, therefore a statutory mandate for the boards to coordinate with the Department of Hawaiian Home Lands and accommodate the department's requests may be a more feasible solution.

Accordingly, your Committee has amended this measure by:

- (1) Allowing the Department of Hawaiian Home Lands to request the reservation of available and unallocated water credits;
- (2) Requiring the county boards of water supply to consider the Department of Hawaiian Home Land's request when allocating available and unallocated water credits:
- (3) Requiring each board of water supply to develop policies that comply with the public trust doctrine to implement in case of water shortage;
- (4) Deleting the requirement that boards of water supply must apply for state water licenses;
- (5) Clarifying terminology used to refer to the boards of water supply;
- (6) Clarifying that the requirements of the new statutory section apply to each of the county boards of water supply;
- (7) Clarifying that, effective July 1, 2024, one of the appointed members of each board of water supply, including the Department of Water Supply of the County of Hawai'i, must be a representative of the Department of Hawaiian Home Lands;
- (8) Deleting language relating to the membership on the county board of water supply of individuals from different geographic regions of the County of Hawai'i;
- (9) Amending section 1 to reflect its amended purpose;
- (10) Inserting an effective date of May 6, 2137, to encourage further discussion; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1122, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1122, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Gabbard, Kim, Fevella). Noes, none. Excused, none.

SCRep. 929 (Joint/Majority) Judiciary and Ways and Means and Water and Land on S.B. No. 1334

The purpose and intent of this measure is to:

- (1) Increase the building height limit for two of the six parcels owned by the Office of Hawaiian Affairs in the Kaka'ako Makai area to four hundred feet; and
- (2) Lift the current restriction against residential development in Kaka'ako Makai to allow residential development by the Office of Hawaiian Affairs or by third parties to which the Office of Hawaiian Affairs conveys the parcels.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs; Department of Hawaiian Home Lands; Hawaiian Community Development; Ke One O Kākuhihewa-'Oahu Council for the Association of Hawaiian Civic Clubs; Na Kuleana O Kanaka 'Oiwi; Association of Hawaiian Civic Clubs; Stanford Carr Development, LLC; Ka Ohana O Na Pua; Pe'a Records & Entertainment; Hawaii Appleseed Center for Law and Economic Justice; Keaukaha Community Association; Native Hawaiian Legal Corporation; Innovations Development Group, Inc.; Prince Kūhiō Hawaiian Civic Club; and eighty individuals. Your Committees received testimony in opposition to this measure from the Free Access Coalition, Friends of Kewalos, alohahawaiionipaa.org, Hawaii's Thousand Friends, Kaka'ako Makai Community Planning Advisory Council, Life of the Land, and ninety individuals. Your Committees received comments on this measure from the Hawaii Community Development Authority, Department of Transportation, O'ahu Island Parks Conservancy, Historic Hawai'i Foundation, and one individual.

Your Committees find that Act 15, Session Laws of Hawaii 2012 (Act 15), conferred to the Office of Hawaiian Affairs (OHA) parcels of land in Kaka'ako Makai to settle certain claims against the State regarding longstanding claims to income and proceeds from ceded lands by OHA. The property identified in Act 15 is virtually contiguous, suited for master planning, and is in an area of Honolulu that is already experiencing significant redevelopment. Increasing the revenue stream on these commercial lands will provide a greater sum to fund OHA's programs and services for its beneficiaries, including direct grants, advocacy services, and legacy land stewardship.

Your Committees further find that existing law prohibits OHA, an agency solely dedicated to serving the Native Hawaiian population, from developing housing and housing-associated projects makai of Ala Moana. Therefore, lifting this prohibition would create parity for the Office of Hawaiian Affairs with these mauka landowners by affording the agency the same land use options for its parcels as enjoyed by its neighbors. This measure exempts OHA from the residential development restrictions on certain parcels located in Kaka'ako Makai for OHA to realize the full value of these lands.

During the hearing on this measure, members of your Committees expressed various viewpoints about the measure including whether the measure went beyond what had been contemplated in previous legislation and whether permitting residential developments at heights of up to four hundred feet in Kaka'ako Makai warranted additional consideration from OHA in exchange. Your Committees additionally find that the language of Act 15 states in part that the parcels were being conveyed to OHA "as is, where is", meaning that OHA accepted the parcels in their condition as of March 1, 2012, without warranties or representations of any kind or nature.

Your Committees also find that the Department of the Attorney General, in its testimony on Senate Bill No. 2783, Regular Session of 2012 (S.B. No. 2783), which was enacted as Act 15, noted that the properties were commercially zoned. Two of the committee reports filed on S.B. No. 2783 also discussed the issue of commercial zoning, and noted that the value of the parcels could be enhanced by certain entitlements that, while not specifically provided for in S.B. No. 2783, could be obtained at a future date. Additionally, Senate Bill No. 682, Regular Session of 2012, was under consideration by the Legislature contemporaneous to S.B. No. 2783, and would have explicitly permitted residential development of certain parcels in Kaka'ako Makai. Although the measure was not enacted, in part due to concern by OHA and the Department of the Attorney General about impairing the passage of S.B. No 2783, OHA stated in testimony on the measure that once becoming the landowner, they would be in a position to request entitlements for the parcels in subsequent legislative sessions.

Your Committees have amended this measure by:

- (1) Requiring the Office of Hawaiian Affairs and any developer to provide advance written notice to potential lessees and residents of possible noise, odor, and other aircraft related nuisances before entering any lease agreement;
- (2) Requiring the Office of Hawaiian Affairs and any developer to assess and propose mitigation efforts to address possible noise, odor, and other aircraft related nuisances in their development plans and proposals;
- (3) Inserting an effective date of May 6, 2137, 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, Ways and Means, and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1334, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1334, S.D. 2.

Signed by the Chairs and President on behalf of the Committees.

Judiciary: Ayes, 6; Ayes with Reservations (Acasio, Lee, Fevella). Noes, 1 (Kim). Excused, none.

Ways and Means: Ayes, 10; Ayes with Reservations (Taniguchi, Fevella). Noes, 1 (Moriwaki). Excused, none.

Water and Land: Ayes, 3; Ayes with Reservations (Fevella). Noes, 2 (Misalucha, Riviere). Excused, none.

SCRep. 930 (Joint/Majority) Judiciary and Ways and Means on S.B. No. 767

The purpose and intent of this measure is to:

- (1) Legalize the personal use, possession, and sale of cannabis in a specified quantity;
- (2) Require licensing to operate cannabis establishments; and
- (3) Subject cannabis establishments to excise taxes and income taxes.

Your Committees received testimony in support of this measure from the Maui County Council; Office of the Prosecuting Attorney of the County of Kaua'i; Cannabis Maui; Drug Policy Forum of Hawai'i; Pono Hawai'i Initiative; Young Progressives Demanding Action; Our Revolution Hawaii; Imua Alliance; Aloha Green Holdings, Inc.; and ninety-six individuals. Your Committees received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Maui Police Department, Kaua'i Police Department, Hawai'i Police Department, AAA Hawai'i, Coalition for a Drug-Free Hawaii, Hawai'i Public Health Institute, Hawaii Family Forum, and thirteen individuals. Your Committees received comments on this measure from the Department of Taxation, Department of Public Safety, Tax Foundation of Hawaii, Mothers Against Drunk Driving Hawai'i, Akamai Cannabis Clinic, and one individual.

Your Committees find that, notwithstanding the prospect of federal prosecution, fifteen states and the District of Columbia have legalized the recreational use of cannabis by adults, and that others are in the process of considering legalization. Your Committees further find that legalization in these states has avoided the criminalization of thousands of people, reduced opioid overdose deaths and untreated opioid use disorders, and lowered the number of arrests for driving under the influence of alcohol and other drugs. Additionally, recent polling indicates broad public support in Hawai'i for the legalization of cannabis. Your Committees further find that the legalization of cannabis for personal or recreational use is a logical and reasonable outgrowth of the scientific consensus, public attitudes, and nationwide legal trends regarding cannabis.

Your Committees have amended this measure by:

- (1) Removing cannabis from the list of Schedule I controlled substances;
- (2) Making conforming amendments to chapter 712, Hawaii Revised Statutes;
- (3) Deleting redundant language subjecting cannabis establishments to certain taxes;
- (4) Specifying that personal use of cannabis is not permitted in any location where the consumption of alcohol is prohibited;
- (5) Expanding the medical cannabis exemption to the rule against giving tax benefits and deductions for the sale of illegal drugs to include recreational cannabis;
- (6) Amending the allowable decriminalized amount of cannabis from one ounce to thirty grams;
- (7) Inserting an effective date of May 6, 2137, 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 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. 767, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 767, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 8; Ayes with Reservations (Kidani, Fevella). Noes, 2 (Inouye, Moriwaki). Excused, 1 (Wakai).

SCRep. 931 Judiciary on S.B. No. 1270

The purpose and intent of this measure is to replace the Director of Human Services with the Administrator of the Division of Vocational Rehabilitation, Department of Human Services, as an ex officio, voting member on the Workforce Development Council.

Your Committee received testimony in support of this measure from the Department of Human Services and Workforce Development Council.

Your Committee finds that federal regulations that implement the Workforce Innovation Opportunity Act (WIOA) of 2014, specifically, title 34 Code of Federal Regulations section 361.13(c), require that a representative from the vocational rehabilitation agency, with the requisite experience and expertise, serve on the State's Workforce Development Council, as a voting member with the sole responsibility of the vocational rehabilitation agency, including participation in the state workforce development and local workforce development boards. This measure makes amendments regarding the composition of the Workforce Development Council's council members to comply with federal regulations.

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. 1270 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 932 Judiciary on S.B. No. 678

The purpose and intent of this measure is to:

- (1) Require the representative of labor on the Hawaii Labor Relations Board (HLRB) to be a person that is selected by a process determined by simple majority of the exclusive representatives of the collective bargaining units and appointed by the Governor by and with the advice and consent of the Hawai'i State Senate;
- (2) Allow the simple majority of exclusive representatives who nominated the person to transmit the person's name directly to the Senate for confirmation if the Governor fails to nominate the person; and
- (3) Allow a simple majority of the exclusive representatives of the collective bargaining units to remove, via a written request to the Governor, the representative of labor from the HLRB during the member's term.

Your Committee received testimony in support of this measure from the Hawai'i State Teachers Association; United Public Workers, AFSCME Local 646, AFL-CIO; and Hawai'i Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received testimony in opposition to this measure from the Office of Collective Bargaining. Your Committee received comments on this measure from the Hawai'i Labor Relations Board.

Your Committee finds that the HLRB is a quasi-judicial board with jurisdiction over state public sector collective bargaining; state private sector collective bargaining; and cases pertaining to state occupational safety and health citations and whistleblower discrimination claims. The Board consists of three members — the Chair, who is the representative of the public, one member who is a representative of management, and another member who is a representative of labor. All three Board members are appointed to six-year terms by the Governor. Under existing law, the representative of management is appointed by the Governor, who must first consider the names submitted by each county. The representative of labor is appointed by the Governor from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives of the collective bargaining units. The Governor's selection for Board Chair is not limited to names submitted by other parties. This measure will require the Governor to appoint with the advice and consent of the Senate, the one individual chosen by the exclusive representatives of the collective bargaining units. This measure also gives the exclusive representatives authority to remove, via written request to the Governor, the board member if they determine, by simple majority, that the board member is not effective during the member's term.

Your Committee questions whether the removal provision established by this measure is constitutional and consistent with legal provisions related to other boards and commissions. Your Committee finds that this question merits further discussion as this measure proceeds through the legislative process.

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. 678, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 933 (Joint) Judiciary and Ways and Means on S.B. No. 1087

The purpose and intent of this measure is to suspend the requirement for public employers to make annual required contributions to the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) through fiscal year 2024-2025.

Your Committees received testimony in support of this measure from the Department of Budget and Finance. Your Committees received comments on this measure from the Hawaii Employer-Union Health Benefits Trust Fund, Tax Foundation of Hawaii, and Grassroot Institute of Hawaii.

Your Committees find that, in July 2020, the Governor suspended the State's required payment of annual contributions to the EUTF to address the \$2.3 billion budget shortfall caused by the coronavirus disease 2019 pandemic. Extending this temporary suspension of annual required contributions is one of the cornerstones of the Governor's approach to balancing the general fund financial plan. This

measure will continue the temporary suspension of prefunding retiree health benefits to reduce state and county annual payment requirements and provide the State and other public employers flexibility to address immediate budgetary concerns while the economy recovers.

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. 1087, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Wakai).

SCRep. 934 Judiciary on S.B. No. 576

The purpose and intent of this measure is to:

- (1) Require licensed used motor vehicle part dealers to obtain a written statement by a seller of a catalytic converter that the seller has the lawful right to sell and dispose of the catalytic converter;
- (2) Require a seller of a catalytic converter to present a receipt or notarized declaration regarding the catalytic converter;
- (3) Prohibit a licensed used motor vehicle part dealer from purchasing a catalytic converter with no receipt or notarized declaration and to report the attempted sale to the police; and
- (4) Establish the offense of theft of catalytic converter as a class C felony.

Your Committee received testimony in support of this measure from the Honolulu Police Department, American Property Casualty Insurance Association, and one individual. Your Committee received comments on this measure from the Department of Attorney General

Your Committee finds that theft of catalytic converter is on the rise, in part due to the increase in prices associated with metals that are used in the construction of catalytic converters and the relative ease and speed in which a thief can sell scrap metal. Businesses and citizens incur the costs of replacing their catalytic converters, which often cost thousands of dollars, and the extra costs of not having their vehicles for days on end while they are repaired. Additionally, the hasty removal of a catalytic converter can cause secondary repair costs. This measure requires used motor vehicle parts' dealers to follow certain requirements and establishes the theft of a catalytic converter as a class C felony to help deter the increasing proliferation of this crime.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, 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. 576, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 576, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 935 (Majority) Judiciary on S.B. No. 367

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.

Your Committee received testimony in support of this measure from the Department of Health, Department of Land and Natural Resources, Hawai'i Shore and Beach Preservation Association, Waikīkī Beach Special Improvement District Association, and one individual.

Your Committee finds that waiving the requirement of water quality certification for small-scale beach restoration projects will result in the efficient administration of site-specific water pollution control and more practical and realistic erosion control alternatives to the deleterious practice of coastal armoring. Your Committee further finds that the intent of this measure is not to undermine provisions of the Federal Clean Water Act, and that the Federal Clean Water Act specifically provides for states to waive water quality certification requirements.

Your Committee has amended this measure by:

- (1) Removing language from section 1 of the measure relating to the permitting 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 367, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 367, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 936 Judiciary on S.B. No. 1311

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

- (1) Establish locally sourced food and zero-emission vehicle goals as part of the sustainable schools initiative; and
- (2) Submit annual reports to the Legislature.

Your Committee received testimony in support of this measure from the Hawai'i State Youth Commission, Hawai'i Youth Climate Coalition, Hawaii Electric Vehicle Association, PlanIt, Ulupono Initiative, Americans for Democratic Action, Blue Planet Foundation, Hawai'i Public Health Institute, and four individuals. Your Committee received comments on this measure from the Hawaii State Energy Office and Department of Education.

Your Committee finds that Hawaii imports more than six million pounds of food on a daily basis at a cost of more than \$3,000,000,000 per year. An increase in locally sourced proteins and produce would simultaneously improve food quality and public health, boost the local economy, and improve overall food sustainability. Your Committee further finds that traditional internal combustion school bus engines emit exhaust, which children breathe in while riding buses and sitting in traffic, and can increase asthma and other health problems. In contrast, electric school buses provide potential benefits to the quality of student health, the environment, utility infrastructure, and cost savings. Additionally, electric buses have lower operational, maintenance, and labor costs than comparable buses powered by internal combustion engines and conversion of school buses to electronic powered transportation aligns with Hawai'i's established goals of achieving a carbon-negative economy by 2045. This measure will engage students in sustainable living through establishing the goals of locally sourcing sixty percent of school food and providing students with zero-emission transportation in the future.

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. 1311, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1311, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 937 Judiciary on S.B. No. 1409

The purpose and intent of this measure is to 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 traditional and customary rights, Native Hawaiian natural resource protection and access rights, and the public trust, including the State's fiduciary responsibility.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Kūpuna for the Moʻopuna, Kuaʻāina Ulu ʻAuamo, and six individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources and Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Land Use Commission.

Your Committee finds that Act 169, Session Laws of Hawaii 2015 (Act 169), required 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. Your Committee further finds that, despite this requirement, 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. Your Committee additionally finds that, although departments of the State have testified that prohibiting board and commission members from service if they have not completed the training requirement within a certain time is an unnecessary burden, greater recognition and incorporation of Native Hawaiian knowledge, values, and rights in agency decision-making is an important policy goal; and a balance between these two interests is appropriate.

Accordingly, your Committee has amended this measure by:

- Applying disqualification for service in the event a member fails to meet the training requirement prospectively to newly
 appointed or reappointed members instead of all members; 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. 1409, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1409, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 938 (Joint/Majority) Judiciary and Ways and Means on S.B. No. 1147

The purpose and intent of this measure is to:

- (1) Make unlawful the sale of flavored tobacco products, mislabeling of e-liquid products containing nicotine, and sale of tobacco products other than through retail sales via in-person exchange;
- (2) Establish the offense of unlawful shipment of tobacco products;
- (3) Include e-liquid and electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law;
- (4) Increase the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products;
- (5) Increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products;
- (6) Repeal certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices; and

(7) Provide for the disposition of fines paid for the unlawful shipment of tobacco products into the Hawaii Tobacco Prevention and Control Trust Fund.

Your Committees received testimony in support of this measure from the Department of Taxation; Department of the Attorney General; Department of Health; Hawaii State Teachers Association; Blue Zones Project; Young Progressives Demanding Action; Americans for Democratic Action Hawaii; Hawaii Children's Action Network Speaks!; Hawaii COPD Coalition; University of Hawaii Student Health Advisory Council; We are One, Inc.; Hawaii Substance Abuse Coalition; Get Fit Kauai; Kamehameha Schools; Windward Nazarene Academy; Maui Preparatory Academy; St. Andrew's Schools; Waimea Country School; Malamalama Waldorf School; Roots School; Maryknoll School; Holy Nativity School; Mid-Pacific; Damien Memorial School; Hawaii Public Health Institute; PHOCUSED; AlohaCare; and eighty-eight individuals. Your Committees received testimony in opposition to this measure from the American Heart Association; Hawaii Smokers Alliance; Cigar Association of America, Inc.; VOLCANO; Hawaiian Royal Trading Company and twelve individuals. Your Committees received comments on this measure from Tax Foundation of Hawaii, Hawaii Food Industry Association, Cancer Action Network, Campaign for Tobacco-Free Kids, Hawaii Petroleum Marketers Association, and one individual.

Your Committees find that Hawaii does not regulate electronic smoking devices, or e-cigarettes, through licensing or permitting, and because they are not taxed like other tobacco products, they often can be purchased at lower prices than regular cigarettes. E-cigarettes have become the most commonly used tobacco product among youth in Hawaii, with over thirty percent of high school students reporting to be current users. According to the U.S. Surgeon General and several studies, increasing the price of tobacco products is the single most effective way to reduce consumption, especially among youth, who are particularly price sensitive. Further, the imposition of an excise tax equal to seventy percent of the wholesale price of each e-liquid and electronic smoking device is consistent with the tax on other tobacco products. This measure is therefore an important comprehensive legislative approach to address the youth vaping epidemic and protect the health of Hawaii's residents.

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. 1147, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1147, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, 1 (Kidani). Excused, none.

SCRep. 939 Judiciary on S.B. No. 1395

The purpose and intent of this measure is to:

- (1) Require the Governor to appoint an individual to fill a vacancy within all boards and commissions within an unspecified period of time;
- (2) Require that holdover appointments are limited to an unspecified period of time, thereby creating a vacancy at the end of the holdover period; and
- (3) Require department heads to inform the Governor of any vacancy on any board or commission.

Your Committee received testimony in support of this measure from two individuals.

Your Committee finds that state boards and commissions provide a vital opportunity for a cross-section of Hawai'i's residents to offer input and influence decisions that shape the quality of life throughout the State. Your Committee further finds that the Governor nominates and appoints more than one hundred and seventy board and commission positions established by the Hawaii State Constitution, Hawaii Revised Statutes, and executive orders, and that without timely appointments to fill vacancies, the ability of these boards and commissions to conduct business would be negatively impacted. Your Committee further finds that it is imperative that members of boards and commissions are appropriately and timely nominated and appointed to enable boards and commissions to meet and conduct business.

Your Committee has amended this measure by:

- (1) Requiring the Governor to appoint an individual to fill a vacancy within all boards and commissions within one hundred eighty days;
- (2) Requiring that holdover appointments are limited to one hundred eighty days; 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. 1395, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1395, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 940 (Joint) Judiciary and Ways and Means on S.B. No. 932

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) Authorize moneys in the Green Infrastructure Special Fund to be used to finance the option to purchase solar energy systems and other clean energy equipment, including the purchase or lease of electric vehicles; and
- (4) Appropriate funds out of the Clean Energy and Energy Efficiency Revolving Loan Fund.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, Hawaii Green Infrastructure Authority, Environmental Caucus of the Democratic Party of Hawaii, Blue Planet Foundation, Climate Protectors Hawaii, Land Use Research Foundation of Hawaii and one individual. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs; Department of Budget and Finance; City and County of Honolulu Office of Climate Change, Sustainability, and Resiliency; and Public Utilities Commission.

Your Committees find that the State has set important goals to reduce energy costs, drive higher-paying green job creation and retention, and save the billions of dollars currently spent on importing petroleum. Given the fiscal constraints resulting from the coronavirus disease 2019 pandemic, the Hawaii Green Infrastructure Authority (HGIA) will need to pursue outside funds besides bond financing to support a broad range of clean energy technologies. This measure establishes a new revolving loan fund to provide flexible financing and will enable HGIA to submit applications for low-cost federal loans to facilitate green infrastructure investments and help kick-start Hawaii's economy. This measure will further enable both the financing of electric vehicle charging stations and the electrification of state vehicles at no extra cost to the State by utilizing a new cash flow stream generated from the realized savings of exercising purchase options in existing power purchase agreements.

Your Committees have amended this measure by:

- (1) Deleting the amount of \$50,000,000 and inserting a blank dollar amount to be appropriated out of the Clean Energy and Energy Efficiency Revolving Loan Fund;
- (2) Inserting an effective date of May 6, 2137, 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. 932, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 932, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 10; Ayes with Reservations (Inouye, Fevella). Noes, none. Excused, 1 (Wakai).

SCRep. 941 (Majority) Ways and Means on S.B. No. 180

The purpose and intent of this measure is to facilitate recycling of deposit beverage containers.

More specifically, this measure:

- (1) Exempts, from the requirement that a dealer operate a deposit beverage redemption center, any beverage dealer located in a high-density population area and within one mile, rather than two miles, of a certified deposit beverage redemption center operated independently from the dealer;
- (2) Requires that the Department of Health adjust the deposit beverage handling fee at least once per year and publish notice of the change within a certain period of time; and
- (3) Establishes additional criteria for adjusting the deposit beverage handling fee.

Your Committee received written comments in opposition to this measure from the American Beverage Association and Hawaii Food Industry Association.

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

Your Committee finds that this measure will provide residents of the State with more options for recycling deposit beverage containers, thus benefiting both the residents and the natural environment.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 180, 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, 1 (Shimabukuro).

SCRep. 942 (Joint) Judiciary and Ways and Means on S.B. No. 321

The purpose and intent of this measure is to provide the Office of Hawaiian Affairs with the funds to which it is entitled under article XII, section 6, of the Hawaii State Constitution and section 10—l3.5, Hawaii Revised Statutes. Specifically, this measure:

- (1) Requires agencies that collect receipts related to the public land trust to transfer twenty percent of such receipts to the Office of Hawaiian Affairs on a quarterly basis;
- (2) Sets the minimum aggregate quarterly transfer of receipts to the Office of Hawaiian Affairs at \$3,775,000;
- (3) Directs the Director of Finance to transfer funds to the Office of Hawaiian Affairs in satisfaction of any quarterly shortfall;

- (4) Transfers to the Office of Hawaiian Affairs all overpayment funds collected in fiscal year 2012-2013 through fiscal year 2020-2021 from the carry-forward trust holding account established pursuant to Executive Order No. 06-06, plus any additional overpayments collected in the holding account in fiscal year 2021-2022 or 2022-2023; and
- (5) Establishes a public land trust revenues negotiating committee to make recommendations to the Legislature for resolving the matter of the amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Kūpuna for the Moʻopuna, Hawaiian Affair Caucus of the Democratic Party of Hawaiii, and fifteen individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources and Center for Hawaiian Sovereignty Studies. Your Committees received comments on this measure from the Department of the Attorney General, Department of Agriculture, Department of Budget and Finance, University of Hawaiii System, Office of Information Practices, Hawaii Health Systems Corporation, and League of Women Voters of Hawaii.

Your Committees find that the Hawai'i Admission Act and the Hawaii State Constitution established the public land trust, which comprises over one million acres of former government and crown lands of the Kingdom of Hawai'i, for the betterment of the conditions of native Hawaiians and for the general public. The Hawaii State Constitution entrusts the Board of Trustees of the Office of Hawaiian Affairs with the responsibility to manage and administer public land trust funds set aside for native Hawaiians, which state law reaffirms is a twenty percent pro rata share of all funds from the trust.

Act 178, Session Laws of Hawaii 2006 (Act 178), put in place annual payments of \$15,100,000 from the pro rata portion of the public land trust to the Office of Hawaiian Affairs in acknowledgment of the State's constitutional obligation. However, Act 178 was passed with the intention that it would be an interim measure until the Legislature could further assess the complexities of the issue, including gathering information on revenue-generating public trust lands and amounts derived from those lands. Your Committees find that since Act 178 was passed, the Legislature has received additional information from the departments and the Office of Hawaiian Affairs on the annual amounts derived from the public land trust. From fiscal years 2011-2012 through 2019-2020, the State reported to the Legislature total gross receipts averaging \$197,433,474. Twenty percent of the average reported gross receipts for fiscal years 2011-2012 through 2019-2020 is \$39,486,695.

Therefore, your Committees find that lifting the \$15,100,000 cap on the annual transfer of the public land trust revenues to the Office of Hawaiian Affairs, and allowing the Office of Hawaiian Affairs to expend the funds it has had to return over the last nine fiscal years due to this cap would demonstrate the State's support for providing native Hawaiians with a fair share of the public land trust.

Your Committees further find that despite the ongoing, urgent economic crisis faced by the State, this measure does not require any general fund appropriations, nor does it require state agencies to set aside more funds than they are already required. This measure intends to ensure that the full twenty percent of public land trust receipts that agencies set aside as the native Hawaiians' pro rata share can be used to assist beneficiaries of the Office of Hawaiian Affairs.

Your Committees have amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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. 321, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 321, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 10; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (Wakai).

SCRep. 943 (Joint) Judiciary and Ways and Means on S.B. No. 789

The purpose and intent of this measure is to:

- (1) Authorize a special procurement process for the procurement of goods and services;
- Require the Procurement Policy Board to establish rules and procedures for the special procurement process by December 31, 2021;
- (3) Require the head of a purchasing agency to prepare a procurement plan and submit the plan to the Attorney General or Corporation Counsel; and
- (4) Require the head of a purchasing agency to electronically post, for at least one year, public notice of special procurement contracts within seven days of the contract award.

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.

Your Committees find that competition in the public procurement process is necessary to prevent favoritism, collusion, or fraud in the award of public contracts. Your Committees further find, however, that increased flexibility in the procurement process is needed to respond in a timely and appropriate manner to changing and challenging circumstances. This measure will provide greater flexibility while preserving transparency and integrity in the procurement process.

Your Committees have amended this measure by:

(1) Requiring the head of a purchasing agency to electronically post all contracts awarded through a special procurement process;

- (2) Inserting an effective date of May 6, 2137, 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. 789, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 789, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Wakai).

SCRep. 944 Ways and Means on S.B. No. 39

The purpose and intent of this measure is to encourage the development of affordable housing in the State.

More specifically, this measure:

- (1) Removes the limit on the type of costs eligible for exemption from the general excise tax for development of affordable rental housing certified by the Hawaii Housing Finance and Development Corporation; and
- (2) Amends section 104-2(i), Hawaii Revised Statutes, by repealing the requirement that persons or firms engaged in the construction of an affordable rental housing project, which has received an exemption from general excise taxes by the Hawaii Housing Finance and Development Corporation and to which a governmental contracting agency is a party, receive no other direct or indirect financing for the construction project from any other governmental contracting agency.

Your Committee received written comments in support of this measure from Hawaii Construction Alliance; MCYID LLC; NAIOP Hawaii; Schatz Collaborative; and Stanford Carr Development, LLC.

Your Committee received written comments on this measure from the Department of Labor and Industrial Relations and Hawaii Housing Finance and Development Corporation.

Your Committee believes that this measure will make the general excise tax exemptions provided by the Hawaii Housing Finance and Development Corporation more attractive to affordable rental housing developers, and will help to add more rental units to the statewide housing inventory.

Your Committee has amended this measure by:

- (1) Amending section 104-2(i), Hawaii Revised Statutes, by:
 - (A) Restoring the requirement that persons or firms engaged in the construction of an affordable rental housing project, which has received an exemption from general excise taxes by the Hawaii Housing Finance and Development Corporation and to which a governmental contracting agency is a party, receive no other direct or indirect financing for the construction project from any other governmental contracting agency; and
 - (B) Clarifying that "any other governmental contracting agency" refers to state agencies;
- (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. 39, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 39, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Kidani).

SCRep. 945 (Majority) Ways and Means on S.B. No. 86

The purpose and intent of this measure is to increase the number of medical cannabis dispensaries available to and operated by native Hawaiians by requiring the Department of Health to issue eight dispensary licenses to the Department of Hawaiian Home Lands.

Your Committee received written comments in opposition to this measure from Kupuna for the Moopuna.

Your Committee received written comments on this measure from the Department of Hawaiian Home Lands, Department of the Attorney General, and Department of Health.

Your Committee finds that the Department of Health is authorized to issue licenses for medical cannabis dispensaries, which are regulated in a manner that benefits registered patients while balancing the health and safety of the general public. Your Committee recognizes that, as more states have legalized medical and cannabis use, an increasing number of native American tribes have entered into the cannabis industry in pursuit of economic development and job creation. Your Committee believes the Department of Hawaiian Home Lands should review similar potential opportunities.

Your Committee has amended this measure by:

(1) Inserting a requirement that the Department of Hawaiian Home Lands study the feasibility of, and revenue that may be generated by, operating licensed medical cannabis dispensaries, limited gaming, and other potential revenue-generating enterprises on Hawaiian home lands to address historic funding shortfalls exacerbated by the economic shutdown from the coronavirus disease 2019 (COVID-19) pandemic; and submit a report of its findings to the Legislature no later than twenty days prior to the Regular Session of 2022;

- (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. 86, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 86, S.D. 3.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, 1 (Fevella). Excused, 1 (English).

SCRep. 946 Ways and Means on S.B. No. 243

The purpose and intent of this measure is to develop a plan for meeting the State's renewable energy, energy efficiency, and zero emissions clean economy targets.

More specifically, this measure requires the Hawaii Natural Energy Institute to submit to the Legislature, prior to the Regular Session of 2023:

- (1) A strategic plan for achieving Hawaii's one hundred percent renewable energy portfolio standard; and
- (2) A feasibility study on the State's ability to achieve its renewable energy goals by 2045.

Your Committee received written comments in support of this measure from the University of Hawaii, Hawaii State Energy Office, Ulupono Initiative, Hawaiian Electric, and Climate Protectors Hawaii.

Your Committee finds that this measure will allow interested stakeholders to participate in identifying benchmarks and determining ways to reduce the State's overall energy demand.

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. 243, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 243, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 947 (Majority) Ways and Means on S.B. No. 257

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to extend the leases of certain public lands.

More specifically, this measure:

- (1) Authorizes the Board of Land and Natural Resources to extend the rental period of a lease of public lands upon the Board's approval of a development agreement proposed by the lessee, or the lessee and developer, to make substantial improvements to the existing improvements; and
- (2) Establishes the requirements, conditions, and restrictions relating to the public lands lease extensions and the lease extension application and approval processes.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Prince Kuhio Plaza, and two individuals.

Your Committee received written comments in opposition to this measure from the Office of Hawaiian Affairs; Cinesthesia Investigation Analysis; Flores-Case Ohana; Ka Lahui Hawaii Komike Kalaiaina; Koolaupoko Hawaiian Civic Club; Kupuna for the Moopuna; Mauna Kea Anaina Hou and Kai Palaoa; Na Kupuna Moku O Keawe; Pele Lani Farm, LLC; Waimea Hawaiian Civic Club; and numerous individuals.

Your Committee finds that this measure will support long-term tenants who lease public lands and are seeking to continue their respective businesses beyond the maximum allowable lease term of sixty-five years. However, your Committee believes that it is more appropriate to proceed with a limited pilot project to determine the efficacy of authorizing the Board of Land and Natural Resources to extend leases of public lands.

Your Committee has amended this measure by:

- (1) Establishing the substantive provisions of this measure in session law, rather than statute;
- (2) Requiring the Board of Land and Natural Resources to establish a public lands lease extension pilot project;
- (3) Clarifying that the authority of the Board of Land and Natural Resources to extend the leases of certain public lands pursuant to this measure shall be:
 - (A) Through the public lands lease extension pilot project; and

- (B) Limited to public lands located at TMK 2-2-047-006, TMK 2-2-047-066, TMK 2-2-047-069, or TMK 2-2-047-073, within the area designated by zip code 96720;
- (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. 257, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 257, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 948 Ways and Means on S.B. No. 263

The purpose and intent of this measure is to promote products that are made or grown in the State.

More specifically, this measure:

- (1) Bifurcates the Department of Agriculture's existing Made in Hawaii program into two separate programs;
- (2) Transfers oversight of the Made in Hawaii program for manufactured products to the Department of Business, Economic Development, and Tourism;
- (3) Establishes and keeps the Grown in Hawaii program under the management of the Department of Agriculture;
- (4) Transfers ownership of the "Made in Hawaii with Aloha" trademark from the Department of Agriculture to the Hawaii Technology Development Corporation; and
- (5) Appropriates \$150,000 to the Department of Business, Economic Development, and Tourism.

Your Committee received written comments in support of this measure from the Hawaii Technology Development Corporation, Hawaiian Craft Brewers Guild, and Lanikai Brewing Company.

The Department of Business, Economic Development, and Tourism and Department of Agriculture submitted written comments on the measure.

Your Committee finds that this measure will help to raise the profile of Hawaii-branded products and move the local manufacturing and agriculture industries forward.

Your Committee has amended this measure by:

- (1) Replacing the Hawaii Technology Development Corporation with the Department of Business, Economic Development, and Tourism as the owner of the "Made in Hawaii with Aloha" trademark;
- (2) Including perishable consumer commodities among the items that are protected under the Grown in Hawaii program;
- (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. 263, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 263, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 949 Ways and Means on S.B. No. 266

The purpose and intent of this measure is to appropriate moneys to fund programs and activities related to the State's coronavirus disease 2019 (COVID-19) response efforts.

Your Committee received written comments in support of this measure from the Department of Public Safety, Department of Defense, Department of Human Services, Hawaii Health Systems Corporation, Hawaii Primary Care Association, and one individual.

Your Committee finds that the moneys provided by this measure will allow the State to continue critically needed COVID-19 response, relief, and mitigation programs.

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. 266, S.D. 1, as amended herein, and recommends that is pass Third Reading in the form attached hereto as S.B. No. 266, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 950 Ways and Means on S.B. No. 335

The purpose and intent of this measure is to improve and expand agriculture in the State.

More specifically, this measure requires:

- (1) The Department of Agriculture and Agribusiness Development Corporation, beginning January 1, 2022, to annually lease at least fifty percent of land leased or up for lease renewal to operations whose primary business relates to local food production; and
- (2) The Department of Agriculture to submit annual reports to the Legislature on its leasing activities.

Your Committee received written comments in support of this measure from a member of the Hawaii County Council, 350Hawaii, Aina Momona, Climate Protectors Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Hawaii Alliance for Progressive Action, Hawaii SEED, Hawaii Tea Society, Kauai Climate Action Coalition, Kauai Food Hub, Malama Kauai, Our Revolution Hawaii, Pono Hawaii Initiative, Seymour Resources Hawaii, and numerous individuals.

Your Committee received written comments in opposition to this measure from the Department of Agriculture.

Your Committee received written comments on the measure from the Agribusiness Development Corporation.

Your Committee finds that the measure, as received by your Committee, will promote the State's goal of food self-sufficiency by prioritizing food production for local consumption. However, your Committee also believes that this goal would be more attainable if the Agribusiness Development Corporation and its Board of Directors were required to fully implement the recommendations of the State Auditor in the January 2021 report titled *Audit of the Agribusiness Development Corporation: A Report to the Legislature of the State of Hawaii.*

Your Committee has amended this measure by:

- (1) Adding a requirement that the Agribusiness Development Corporation and its Board of Directors:
 - (A) Implement by January 1, 2023, the recommendations in the State Auditor's Report No. 21-01; and
 - (B) Submit to the Legislature a progress report twenty days before the Regular Session of 2022 and a final report by December 31, 2023;
- (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. 335, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 335, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 951 Ways and Means on S.B. No. 341

The purpose and intent of this measure is to exclude 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 Office of Hawaiian Affairs; Office of the Mayor, County of Maui; Office of Climate Change, Sustainability and Resiliency, City and County of Honolulu; Department of Research and Development, County of Hawaii; Ai Pohaku; Aina Momona; Environmental Caucus of the Democratic Party of Hawaii; Hawaii Alliance for Progressive Action; Hawaii Farm Bureau; Hawaii Food Industry Association; Hawaii SEED; Hooulu Aina Farms; Living Pono Project; Malama Kauai; Our Revolution Hawaii; Supersistence; and numerous individuals.

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

Your Committee recognizes that taro farming is important to the State's cultural identify and food security. Your Committee believes that reasonable tax relief facilitates the ability of farmers to reinvest in their farms and provides incentives for future generations to enter into taro farming.

Your Committee has amended this measure by:

- (1) Clarifying that the tax relief provided is an exclusion from the state income tax of a portion of a qualified taxpayer's income derived from taro production;
- (2) Clarifying the reference to qualified taxpayers who are eligible for an exclusion;
- (3) Changing from \$100,000 to an unspecified amount the amount that is excluded from the state income tax;
- (4) Simplifying the definitions of "qualified taxpayer", "taro corm", and "taro huli";
- (5) Deleting the definition of "poi mill" as it is no longer used in the measure;
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; 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 S.B. No. 341, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 341, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 952 Ways and Means on S.B. No. 463

The purpose and intent of this measure is to promote interactive, hands-on education and better health through school and community gardens.

More specifically, this measure authorizes:

- (1) The Department of Education to develop programs that encourage the development of gardens on school property; and
- (2) The Hawaii Community Development Authority to develop programs that provide incentives to establish gardens in housing projects, communities, and schools.

Your Committee received written comments in support of this measure from the Obesity Prevention Task Force, Hawaii Public Health Institute, Hawaii Farm to School Hui, Hawaii Farm Bureau, Zero Waste Kauai, Blue Zones Project, Ka Ohana O Na Pua, Oahu Farm to School Network, and two individuals.

The Department of Education submitted written comments on the measure.

Your Committee finds that the school and community gardens authorized by this measure provide interactive, hands-on educational environments for learning about nutrition and obesity prevention and a wide range of other subjects; provide outdoor recreational opportunities; and help to promote a sense of community and 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. 463, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 463, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Kidani, Moriwaki).

SCRep. 953 Ways and Means on S.B. No. 465

The purpose and intent of this measure is to require the Auditor to conduct an audit of the academic and financial plans of the Department of Education.

Your Committee received written comments in support of this measure from the Maui Chamber of Commerce, HE'E Coalition, and one individual.

The Department of Education and Office of the Auditor submitted written comments on the measure.

Your Committee finds that it would be more productive to narrow the scope of the audit in order to increase the relevance and utility of the information gleaned from the audit.

Your Committee has amended this measure by:

- (1) Amending the scope of the audit to focus on policies and procedures put in place by the Board of Education and Department of Education to support schools in meeting the goals and statewide student success indicators outlined in the 2017-2020 strategic plan of the Board and Department;
- (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. 465, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 465, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Kidani, Moriwaki).

SCRep. 954 Ways and Means on S.B. No. 478

The purpose and intent of this measure is to create an exclusion from the income tax for the lesser of a specified percentage or an amount of gross annual income earned by a farmer from farming activities.

Your Committee received written comments in support of this measure from the Department of Agriculture, Hawaii Farm Bureau, Hawaii Food Industry Association, Ulupono Initiative, and one individual.

The Department of Taxation and Tax Foundation of Hawaii submitted written comments on the measure.

Your Committee finds that the need to address the State's imbalance in agricultural trade and significantly expand food production warrants the creation of this tax relief measure.

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. 478, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 478, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Kidani, Moriwaki).

SCRep. 955 Ways and Means on S.B. No. 479

The purpose and intent of this measure is to minimize the risk of disease and pest introduction in the State.

More specifically, this measure requires the Department of Agriculture to collaborate with agricultural growers and researchers to develop and implement a program to safely distribute disease- and insect-free tropical plant materials to Hawaii farmers.

Your Committee received written comments in support of this measure from Hawaii Farm Bureau and one individual.

Your Committee received written comments in opposition to this measure from the Department of Agriculture.

Your Committee finds that the importation of flowers and foliage from outside the State creates an elevated risk of inadvertently introducing destructive insects and diseases to the State's farms and plant nurseries. Your Committee further finds that the program established by this measure would provide a safe way for disease- and insect-free tropical plant materials to be distributed within 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. 479, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 479, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Kidani).

SCRep. 956 (Majority) Ways and Means on S.B. No. 646

The purpose and intent of this measure is to increase the rental motor vehicle surcharge tax in certain counties.

More specifically, this measure:

- (1) Increases the rental motor vehicle surcharge tax from \$5 per day to \$8 per day for any county having a residential population of more than 125,000 but less than 195,000; and
- (2) Allocates this increase in the rental motor vehicle surcharge tax to the applicable county's subaccount within the State Highway Fund.

Your Committee received written comments in support of this measure from Maui Chamber of Commerce.

Your Committee received written comments in opposition to this measure from 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 enable the implementation of necessary highway upgrades in the affected counties.

Your Committee has amended this measure by:

- (1) Codifying in section 251-5, Hawaii Revised Statutes, rather than section 251-2, Hawaii Revised Statutes, the requirement that, for a county having a residential population between 125,000 and 195,000, \$3 out of every \$8 collected for use of a rental motor vehicle in that county shall be deposited into that county's subaccount within the State Highway Fund; 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. 646, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 646, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, 1 (Inouye). Excused, none.

SCRep. 957 (Majority) Ways and Means on S.B. No. 762

The purpose and intent of this measure is to require the Department of Accounting and General Services to develop an enhanced security plan for the Hawaii State Capitol and Washington Place.

More specifically, this measure:

- (1) Requires the Department of Accounting and General Services, in consultation with the Legislature and any agencies responsible for security at the Hawaii State Capitol and Washington Place, to develop and implement an enhanced security plan for the Hawaii State Capitol, Washington Place, and the surrounding area;
- Requires the Department of Accounting and General Services to submit an annual report to the Legislature regarding the enhanced security plan;
- (3) Adds the State Historic Preservation Officer as a member of the State Capitol Management Committee;
- (4) Requires that the State Capitol Management Committee be co-chaired by a member of the House of Representatives and a member of the Senate, rather than by a single chairperson elected by the committee members; and
- (5) Permitting, rather than requiring, the State Capitol Management Committee to establish rules.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments on this measure from the Department of Accounting and General Services and Common Cause Hawaii.

Your Committee finds that enhancing the security of the Hawaii State Capitol, Washington Place, and the surrounding area will ensure the safety of state officials, employees, and the general public while also allowing the State to continue serving the public without interruption.

Your Committee has amended this measure by:

- (1) Codifying in statute, rather than session law, the annual reporting requirements for the Department of Accounting and General Services regarding this measure's required enhanced security plan;
- (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. 762, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 762, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, 1 (Taniguchi). Excused, none.

SCRep. 958 Ways and Means on S.B. No. 516

The purpose and intent of this measure is to improve the collection of data related to student attainment of industry-recognized credentials.

Specifically, this measure:

- (1) Requires the State Board for Career and Technical Education to:
 - (A) Annually review statewide data collection processes, reporting requirements, and business rules related to student attainment of industry-recognized credentials;
 - (B) Ensure that the data collection is consistent and that the reporting across all state educational systems and agencies is transparent; and
 - (C) Submit a report to the Governor and Legislature regarding the data;
- Specifies the types of data required to be collected by state agencies administering educational courses or training programs;
- (3) Requires data-sharing agreements by state agencies administering educational courses or training programs relating to industry-recognized credentials.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Chamber of Commerce Hawaii, and HawaiiKidsCAN.

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

Your Committee finds that accurate data collection and the sharing of that data will provide policymakers with the information necessary to develop and offer programs that prepare students with the credentials required for jobs that are high-paying and responsive to industry needs.

Your Committee notes that this measure may ultimately require an effective date of July 1, 2023, along with appropriate amendments to the reporting requirements, to provide the State Board for Career and Technical Education with sufficient time to prepare the additional data collection components.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 516, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 959 Ways and Means on S.B. No. 793

The purpose and intent of this measure is to repeal the exemption of individuals with disabilities from the State's minimum wage requirements.

More specifically, this measure:

- (1) Amends the Hawaii Procurement Code's definition of "qualified community rehabilitation program" by:
 - (A) Repealing certain certification requirements; and
 - (B) Requiring that the program maintain a certain disabled-to-non-disabled employee ratio; and
- (2) Repeals the provision allowing for sub-minimum wage payments to individuals with disabilities.

Your Committee received written comments in support of this measure from the Department of Health, Disability and Communication Access Board, Hawaii State Council on Developmental Disabilities, Democratic Party of Hawaii Education Caucus, Hawaii Disability Rights Center, Hawaii State Teachers Association, Imua Alliance, National Federation of the Blind of Hawaii, PHOCUSED, and three individuals.

Your Committee finds that sub-minimum wage laws for workers with disabilities are outdated and no longer serve the purpose for which the laws were originally enacted. Accordingly, your Committee believes that it is appropriate to end the practice of paying wages that are lower than the applicable minimum wage to individuals with disabilities.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 793, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 960 Ways and Means on S.B. No. 797

The purpose and intent of this measure is to authorize the Chief Information Officer to approve, or expedite the approval process of:

- (1) A state agency's management information system project that is budgeted at \$1,000,000 or more; and
- (2) Other projects that the Chief Information Officer deems necessary to expedite.

Your Committee received written comments in support of this measure from the Office of Enterprise Technology Services and Transform Hawaii Government.

Your Committee finds that expediting the approval of large information system projects will allow the State to better find economies of scale throughout the state government system. Your Committee further finds that the flexibility to expedite the implementation of new technologies will increase efficiency, reduce waste, and improve access to government services.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 797, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 961 Ways and Means on S.B. No. 810

The purpose and intent of this measure is to eliminate the vote of the Superintendent of Education for purposes of negotiating collective bargaining agreements for bargaining units (5) and (6).

Your Committee received written comments in support of this measure from two individuals.

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

Your Committee finds that eliminating the vote of the Superintendent of Education for purposes of negotiating collective bargaining agreements for bargaining units (5) and (6) will encourage the Department of Education to work more closely with the Board of Education in developing terms of collective bargaining agreements for those 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. 810, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 962 Ways and Means on S.B. No. 813

The purpose and intent of this measure is to require the authorizer of each charter school in the State to provide the authorizer's respective charter school with a list of independent auditors that are approved to conduct the charter school's annual financial audit.

Your Committee received written comments in support of this measure from the Hawaii State Public Charter School Commission.

Your Committee finds that this measure will empower each charter school to select the approved auditor of its choice and provide neighbor island charter schools with a larger pool of independent auditors from which to choose to perform their annual audits.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 813 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 963 (Joint) Ways and Means and Commerce and Consumer Protection on S.B. No. 820

The purpose and intent of this measure is to ensure the continued viability of nursing facilities in the State.

More specifically, this measure:

- (1) Extends the nursing facility sustainability program;
- (2) Removes the statutory cap on the per resident daily fee for each nursing facility; and
- (3) Provides that nursing facilities that meet certain criteria shall pay a reduced daily fee compared to other facilities.

Your Committees received written comments in support of this measure from the Department of Human Services, Healthcare Association of Hawaii, Ohana Pacific Health, The Queen's Health Systems, and Hawaii Primary Care Association.

Your Committees find that extending the nursing facility sustainability program will help to financially sustain the State's nursing facilities, which continue to face major challenges due in part to the health and financial pressures related to the coronavirus disease 2019 pandemic.

Your Committees have amended this measure by:

- Allowing nursing facilities to pay fees assessed under the nursing facility sustainability program within sixty days, instead of thirty days;
- (2) Correcting the text of section 7 of Act 124, Session Laws of Hawaii 2014, as amended, to accurately reflect the printed version of the Session Laws of Hawaii;
- (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 records of votes of the members of your Committees on Ways and Means and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 820, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 820, S.D. 1.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 11. Noes, none. Excused, none. Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 964 Ways and Means on S.B. No. 830

The purpose and intent of this measure is to update policies for telework and alternative work schedules.

More specifically, this measure requires:

- The Department of Human Resources Development to establish a working group to update and create existing and new
 policies and procedures relating to telework and alternative work schedules to address the caregiving responsibilities and other
 needs of state employees;
- (2) State departments and agencies to cooperate with the working group; and
- (3) The working group to submit a report of its proposed telework and alternative work schedule policies and procedures.

Your Committee received written comments in support of this measure from the Department of Education, Department of Human Resources Development, Hawaii State Commission on the Status of Women, Office of Planning, Planned Parenthood Votes Northwest and Hawaii, Hawaii Children's Action Network Speaks!, Hawaii State Coalition Against Domestic Violence, and three individuals.

Your Committee received written comments on this measure from the Hawaii Government Employees Association and American Association of University Women of Hawaii.

Your Committee finds that updated policies for telework and alternative work schedules will help to retain women in the workforce by giving them more employment flexibility to address child care and caregiving needs of their families.

Your Committee has amended this measure by:

- (1) Deleting the responsibility of the working group to establish telework and alternative work schedule policies and procedures;
- (2) Requiring state departments to adopt Department of Human Resources Development policies that permit state employees to telework while caregiving during the coronavirus disease 2019 pandemic;
- (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. 830, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 830, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 965 (Joint) Ways and Means and Commerce and Consumer Protection on S.B. No. 976

The purpose and intent of this measure is to amend the healthcare preceptor income tax credit.

More specifically, this measure:

- Amends the definitions of "preceptor" 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.

Your Committees received written comments in support of this measure from the Department of Health; Department of Taxation; University of Hawaii System; Hawaii Association of Professional Nurses; Hawaii Pacific Health; Hawaii Primary Care Association; Hawaii State Center for Nursing; Hawaii State Rural Health Association; Hilo Medical Center Foundation; Hua Moon Women's Health, LLC; The Queen's Health Systems; and five individuals.

Your Committees find 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. Your Committees also find that the purpose of the existing healthcare preceptor income tax credit is to incentivize volunteer preceptors to offer professional instruction, training, and supervision to students and residents seeking careers as healthcare providers. However, although a large number of providers trained eligible students in 2019 during the first-year implementation of the tax credit, only a small subset actually met the tax credit eligibility requirements due to the primary care qualifying criteria.

Your Committees have amended this measure by:

- (1) Clarifying that the term "primary care", as used in section 321-2.7, Hawaii Revised Statutes, has the same meaning as in section 235-110.25, Hawaii Revised Statutes; 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 Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 976, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 976, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 11. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 966 Ways and Means on S.B. No. 1159

The purpose and intent of this measure is to make certain amendments with respect to employment security law.

Specifically, the measure:

- (1) Amends the definitions of "benefit year" and "week";
- (2) Provides that continued claim certifications for partial unemployment benefits shall be filed in the same manner and extent that apply to total or part-total unemployment benefits;
- (3) Sets the employer contribution rate schedules for calendar years 2021, 2022, and 2023 at schedules D, F, and G, respectively;
- (4) Authorizes the Director of Labor and Industrial Relations to modify the annual contribution rate computation method for all employers for calendar years 2020 and 2021, by omitting from the calculation benefits charged against their accounts.

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

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic devastated Hawaii's economy, and the economic downturn forced many businesses to reduce their employees' work hours or lay off employees altogether. As a result, unemployment reached levels as high as twenty-five per cent, and in less than a three month time period, more than \$600,000,000 from the unemployment compensation trust fund was expended to pay unemployment benefit claims.

Your Committee also finds that, as a result of the reduction of the moneys in the unemployment compensation trust fund, the State, which is responsible for ensuring that there are sufficient moneys in the fund, borrowed hundreds of millions of dollars from the federal government to replenish the fund and pay unemployment claims. Your Committee recognizes the importance of paying this loan obligation in a timely manner.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting appropriations of unspecified sums of general fund revenues for fiscal years 2021-2022 and 2022-2023 for the purpose of reimbursing the federal government for moneys lent to the State for the payment of unemployment benefit claims; 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. 1159, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1159, S.D. 2.

Signed by the Chair on behalf of the Committee

Ayes, 11. Noes, none. Excused, none.

SCRep. 967 Ways and Means on S.B. No. 1187

The purpose and intent of this measure is to appropriate funds to the Department of Public Safety.

More specifically, this measure:

- (1) Makes an emergency appropriation of \$6,006,892 for the Department of Public Safety for fiscal year 2021-2022 to cover a projected shortfall for personnel services costs; and
- (2) Appropriates \$502,476 to the Department of Public Safety to fund positions for intake service centers.

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

Your Committee finds that the emergency appropriation made by this measure will provide the Department of Public Safety with sufficient funds to provide continuous coverage sufficient to address the coronavirus disease 2019 pandemic. Your Committee further finds that the appropriation made for intake service center positions will ensure that the Department of Public Safety can meet the legislative objectives for pretrial reform initiatives established pursuant to Act 179, Session Laws of Hawaii 2019.

Your Committee has amended this measure by:

- (1) Providing that the emergency appropriation of \$6,006,892 shall be expended during fiscal year 2020-2021, instead of fiscal year 2021-2022;
- (2) Clarifying that the appropriation for the intake service centers is to establish nine permanent full-time equivalent (9.0 FTE) positions for fiscal years 2021-2022 and 2022-2023;
- (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. 1187, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1187, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 968 (Joint) Ways and Means and Judiciary on S.B. No. 468

The purpose and intent of this measure is to repeal the school impact fee exemptions for developments that are or will be subject to the transient accommodations tax or that are nonresidential.

Your Committees received written comments in support of this measure from one individual.

Your Committees received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii.

Your Committees received comments on this measure from Department of Education and Tax Foundation of Hawaii.

Your Committees find that expanding the use of construction cost component impact fees along with separating the expenditure plan of school impact fees from the Department of Education's annual budget process will help to provide the Department with the flexibility to more efficiently address the needs of each school impact district.

Your Committees have amended this measure by:

- (1) Authorizing the Department of Education to expend construction cost component impact fees for the improvement or renovation of existing structures for school use;
- (2) Repealing the requirement that an expenditure plan for all collected impact fees be incorporated into the Department of Education's annual budget process; and
- (3) 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. 468, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 468, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 11. Noes, none. Excused, none.

Judiciary: Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 969 (Joint) Ways and Means and Judiciary on S.B. No. 808

The purpose and intent of this measure is to clarify the powers and responsibilities of the School Facilities Agency.

More specifically, this measure:

- (1) Clarifies the powers and responsibilities of the School Facilities Agency, the agency's director and administrative staff, and the School Facilities Board;
- (2) Clarifies the membership of the School Facilities Board;
- (3) Clarifies the sources of moneys to be deposited into the School Facilities Special Fund;
- (4) Changes the deadline for the School Facilities Agency to submit its report to the Legislature pursuant to Act 72, Session Laws of Hawaii 2020, to twenty days prior to the convening of the Regular Session of 2022;
- (5) Amends Act 210, Session Laws of Hawaii 2018, to require the City and County of Honolulu to convey to the School Facilities Agency fee simple interest in certain properties not previously conveyed to the Department of Education;
- (6) Authorizes the School Facilities Agency to retain private attorneys to provide certain legal services;
- (7) Exempts the Director of the School Facilities Agency and the agency's full-time staff from civil service requirements;
- (8) Subjects to the statutory restriction on the sale or gift of lands without legislative approval lands to which the School Facilities Agency holds title;
- (9) Clarifies the definition of the term "school facilities," as the term relates to school impact fees;
- (10) Transfers the total balance of the State Educational Facilities Improvement Fund to the School Facilities Special Fund; and
- (11) Appropriates moneys into and out of the School Facilities Special Fund.

Your Committees received written comments in support of this measure from the Department of Transportation and one individual.

Your Committees received written comments in opposition to this measure from the Department of the Attorney General and Hawaii Government Employees Association.

Your Committees received written comments on this measure from the Department of Budget and Finance and Department of Education.

Your Committees find that the clarifications to the powers and responsibilities of the School Facilities Agency, the agency's director and administrative staff, and the School Facilities Board made by this measure will provide additional guidance to the agency and improve the agency's overall efficiency and effectiveness.

Your Committees have amended this measure by:

- (1) Amending Part VI, Subpart C of Chapter 302A, Hawaii Revised Statutes, instead of Section 1 of Act 72, Session Laws of Hawaii 2020;
- Clarifying that moneys received by the School Facilities Agency for deposit into a trust account shall not be deposited into the school facilities special fund;
- (3) Expanding the scope of public lands to include lands to which the school facilities agency holds title;
- (4) Inserting a definition of the term "agency" into section 302A-1602, Hawaii Revised Statutes;
- (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 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. 808, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 808, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 10; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (Wakai).

Judiciary: Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 970 (Joint) Ways and Means and Judiciary on S.B. No. 913

The purpose and intent of this measure is to promote electronic stewardship and reduce electronic waste in the State.

More specifically, this measure:

- (1) Establishes a new chapter in the Hawaii Revised Statutes, to be known as the "Electronic Hardware Donation Act";
- (2) Requires all persons who receive state funds and state financial assistance to donate unnecessary but functioning electronic devices to nonprofit organizations that will refurbish and distribute the devices to eligible persons in the State;
- (3) Requires the Department of Accounting and General Services to receive information from refurbishers and recipients covered by the Act, maintain a website with current information, and submit an annual report to the Legislature; and
- (4) Authorizes administrative penalties for noncompliance.

Your Committees received written comments in support of this measure from the Department of Education, Hawaiian Hope, and two individuals.

Written comments in opposition were received from one individual.

The Department of Accounting and General Services submitted written comments on the measure.

Your Committees find that the refurbishment and distribution of electronic devices under this measure will extend the lives of valuable products, keep devices out of the waste stream for a longer period, and provide to schools, nonprofit organizations, and lower-income families the electronic equipment that they otherwise may not be able to afford.

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. 913, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 913, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 11. Noes, none. Excused, none. Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 971 (Joint) Ways and Means and Judiciary on S.B. No. 1198

The purpose and intent of this measure is to amend and simplify Chapters 231 and 232, Hawaii Revised Statutes, relating to mandatory electronic filing, mandatory electronic payment, and interest rates.

More specifically, this measure:

- (1) Allows the Department of Taxation to mandate the electronic filing of:
 - (A) Partnership and S-corporation returns if the taxpayer's gross receipts exceed \$250,000; and
 - (B) Individual tax returns if the federal adjusted gross income, as shown on the taxpayer's Hawaii return, exceeds \$100,000;
- (2) Requires certain tax return preparers to file returns electronically;
- (3) Amends the rules for electronic funds transfer to remove the authorization to require electronic funds transfer or electronic filing if the federal government required that taxpayer to file or pay electronically;
- (4) Requires electronic funds transfers for tax return preparers and any person subject to mandatory electronic filing;
- (5) Removes the timeliness requirement from the electronic funds transfer penalty;
- (6) Removes the authority of the Department of Taxation to charge for certified copies of tax clearances;
- (7) Authorizes the Department of Taxation to make limited disclosures of a liquor licensee's tax compliance information directly to the license issuing agency; and
- (8) Clarifies the interest rate for payments made to taxpayers out of the litigated claims fund.

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

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

Your Committees find that the amendments proposed by this measure are consistent with national trends toward electronic filing and electronic payment and would add clarity to the administration of taxes.

Your Committees have amended this measure by:

- (1) Amending section 235-20.5, Hawaii Revised Statutes, to expand the permissible uses of the tax administration special fund;
- (2) Clarifying the requirement that tax return preparers file electronically;
- (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 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. 1198, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1198, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 11. Noes, none. Excused, none. Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 972 (Joint) Ways and Means and Judiciary on S.B. No. 1204

The purpose and intent of this measure is to replace the taxation district boards of review with a single statewide Taxation Board of Review consisting of ten members appointed by the Governor.

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 Office of Information Practices and Tax Foundation of

Your Committees anticipate that a single statewide Taxation Board of Review will be able to attain regular and consistent quorum and attract individuals who are qualified and willing to serve as members.

Your Committees have amended this measure by:

- Clarifying that the Governor may appoint an acting member to the Taxation Board of Review without regard to section 26-34,
 Hawaii Revised Statutes, which generally requires the advice and consent of the Senate for the appointment of any member to
 a board: 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. 1204, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1204, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 11. Noes, none. Excused, none. Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 973 (Joint) Ways and Means and Judiciary on S.B. No. 1207

The purpose and intent of this measure is to provide government agencies with additional flexibility to conduct procurements during emergency situations.

More specifically, this measure:

- Authorizes the head of a purchasing agency to obtain emergency procurements to address equipment failures; make repairs to
 public property to protect against further loss of or damage to public property; and to prevent or minimize serious disruption in
 the continued functioning of government services;
- (2) Removes the requirement that an emergency procurement receive prior approval from the chief procurement officer; and
- (3) Requires a head of a purchasing agency to submit a report accounting for the emergency procurement to the chief procurement officer and the Legislature within sixty days of the end of the fiscal year in which the procurement was made.

Your Committees received written comments in support of this measure from the Department of Accounting and General Services.

Your Committees received written comments in opposition to this measure from the 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; and Carpet, Linoleum and Soft Tile Local Union 1926 Market Recovery Trust Fund.

Your Committees find that this measure will allow government agencies to procure necessary goods, services, and construction more quickly and efficiently for smaller and more localized emergency situations. Your Committees further find that this will help vital facilities to keep operating and allow essential government services to continue to be delivered to the public with less disruption.

Your Committees have amended this measure by:

- Clarifying that a head of a purchasing agency may make an emergency procurement when a situation creates a threat to life, public health, welfare, public property, serious disruption to government services, or safety, including a situation caused by equipment failure;
- Correcting the text of section 103D-307, Hawaii Revised Statutes, to accurately reflect the printed version of the Hawaii Revised Statutes;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making a technical nonsubstantive change for the purpose of 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. 1207, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1207, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 11. Noes, none. Excused, none. Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 974 (Joint) Ways and Means and Judiciary on S.B. No. 1285

The purpose and intent of this measure is to better bridge the cultural and language gaps between healthcare providers and Compact of Free Association (COFA) benefit recipients in the State.

More specifically, this measure requires any hospital that serves a community having more than five hundred COFA benefit recipients to:

- (1) Establish and implement a program of diversity and inclusion training for all staff; and
- (2) Hire interpreters and community healthcare workers as necessary to effectively communicate with, and provide culturally sensitive services to, the community.

Your Committees received written comments in support of this measure from the Hawaii Civil Rights Commission and two individuals

The Queen's Health Systems, Kaiser Permanente, Healthcare Association of Hawaii, Hawaii Pacific Health, and Hale Makua-Wailuku submitted written comments on the measure.

Your Committees find that many COFA benefit recipients have experienced prejudice and discrimination in the healthcare system. Your Committees also find that investment in programs that bridge cultural and language gaps between healthcare providers and COFA benefit recipients, as required by this measure, will help to alleviate treatment disparities and the resulting financial burden on the State and revenue loss by medical facilities.

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. 1285, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1285, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 11. Noes, none. Excused, none. Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 975 Human Services on Gov. Msg. No. 503

Recommending that the Senate advise and consent to the nomination of the following:

DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES

G.M. No. 503 CATHERINE BETTS, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Catherine Betts for service as the Director of the Department of Human Resources.

Your Committee received testimony in support of the nomination from the Office of the Governor; Department of Budget and Finance; Department of Human Resources Development; Department of Health; Department of Transportation; Department of Agriculture; Department of Land and Natural Resources; Department of Taxation; Department of Defense; Department of Labor and Industrial Relations; Department of Accounting and General Services; Hawaii Public Housing Authority; Department of Public Safety; Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs; Department of Hawaiian Home Lands; Workforce Development Council; Department of Human Services, Benefit, Employee, and Support Services Division; Hawaii State Energy Office; Hawaii's State Commission on the Status of Women; Hawaii's State Youth Commission; Department of Human Services, Workforce Development Council; Domestic Violence Action Center; Hawaii Medical Service Association; Hawaii Family Caregiver Association; Hina Mauka; Hawaii Children's Action Network, Harm Reduction Hawaii; Healthcare Association of Hawaii; East Hawaii Region of Hawaii Systems Corporation; Hawai'i Primary Care Association; PHOCUSED; Planned Parenthood Votes Northwest and Hawaii; Parents and Children Together; Hawai'i Women Lawyers; AlohaCare; YWCA Oahu; One Shared Future, Child and Family Service; and forty individuals.

Your Committee finds that Ms. Betts, who has served as Acting Director of Human Services since September 2020, has demonstrated a deep understanding of the leadership needed to guide the Department of Human Services through the unique challenges presented by the coronavirus disease 2019 (COVID-19) pandemic. It is notable that, as Deputy Director from October 2017 until September 2020, Ms. Betts worked alongside former Director Pankaj Bhanot on all substantive matters, including budget preparation, legislative reviews, meetings with community stakeholders, review of litigation, ongoing re-organizations of the Department's staff, offices, and divisions, and development of the Department's first strategic plan. Therefore, she has acquired valuable and practical experience especially relevant to the position for which she is nominated. Your Committee finds that in her testimony, Ms. Betts shared her deeply held belief that "economic justice, gender justice, and racial justice are intricately interwoven, and that no oppression can be undone without taking a hard look at the myriad ways individuals, families, and communities are undervalued and marginalized, thereby affecting their social determinants of health, wellbeing, and their ability to thrive."

Your Committee further finds that after litigating complex child abuse and neglect cases for the attorney general and practicing family law, in December 2011, Ms. Betts was named Executive Director of the Hawaii Commission on the Status of Women, where she served until September 2017. During her tenure, Ms. Betts spearheaded progressive legislation for women, including requiring emergency rooms to provide emergency contraception to sexual assault victims, providing for a bill of rights for domestic workers (including minimum wage and overtime protections), and strengthening Hawaii's equal pay law. Demonstrating her ability to engage with public and private partners, your Committee also finds that Ms. Betts chaired multiple task forces and working groups, and she convened county and state agencies and community stakeholders on issues such as domestic violence response, sexual assault evidence collection kit backlog, pregnancy discrimination, and breastfeeding in the work place laws and regulations.

Your Committee notes the testimony received in support of Ms. Betts' nomination, which indicates that she has earned the trust and respect of colleagues with whom she has engaged over many years. Therefore, your Committee concludes that Ms. Betts' extensive background and experience in law, policy, management, and leadership, as well as her passion for serving the public, especially children and vulnerable adults, qualify her for the position of Director of the Department of Human Services.

As affirmed by the record of votes of the members of your Committee on Human Services 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. 976 Labor, Culture and the Arts on Gov. Msg. No. 504

Recommending that the Senate advise and consent to the nomination of the following:

DIRECTOR OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

G.M. No. 504 ANNE 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 Perreira-Eustaquio for service as the Director of Labor and Industrial Relations.

Your Committee received testimony in support of the nomination for the appointment of Ms. Perreira-Eustaquio from the Governor; Department of Accounting and General Services; Department of Agriculture; Department of Budget and Finance; Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs; Department of Hawaiian Home Lands; 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; Hawaii State Energy Office; Office of Enterprise Technology Services; Labor and Industrial Relations Appeals Board; Workforce Development Council; Department of Labor and Industrial Relations Wage Standards Division; Department of Labor and Industrial Relations Workforce Development Division; Hawaii Government Employees Association, AFSCME Local 152, AFL CIO; and six individuals. Your Committee received testimony in opposition to the nomination for the appointment of Ms. Perreira-Eustaquio from the Hawaii Workers Center and one individual.

Upon review of the testimony, your Committee finds that Ms. Perreira-Eustaquio's background and dedication to serving the public qualify her to be appointed as Director of Labor and Industrial Relations. Your Committee notes that she is currently the Acting Director of Labor and Industrial Relations. Prior to that, she served as the Department's Deputy Director, Unemployment Insurance Administrator, and as the Unemployment Insurance Program Development Officer. Ms. Perreira-Eustaquio has served in a variety of other 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 finds that Ms. Perreira-Eustaquio has a thorough understanding of the role and responsibilities of the Director and her extensive experience in the Department will continue to enhance Department operations. Your Committee therefore recommends that Ms. Perreira-Eustaquio be appointed as the Director of Labor and Industrial Relations based on her 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. 977 Labor, Culture and the Arts on Gov. Msg. No. 505

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. 505 JOANN VIDINHAR, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Joann Vidinhar 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. Vidinhar from the Governor; Department of Accounting and General Services; Department of Agriculture; Department of Budget and Finance; Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs; Department of Hawaiian Home Lands; Department of Human Resources Development; Department of Human Services; Department of Labor and Industrial Relations; Department of Land and Natural Resources; Department of Public Safety; Department of Taxation; Department of Transportation; Hawaii State Energy Office; Office of Enterprise Technology Services; Labor and Industrial Relations Appeals Board; Workforce Development Council; Department of Labor and Industrial Relations Workforce Development Division; and three individuals.

Upon review of the testimony, your Committee finds that Ms. Vidinhar's background and commitment to serving the public qualify her to be appointed as Deputy Director of Labor and Industrial Relations. Your Committee notes that she has been serving as the Acting Deputy Director of Labor and Industrial Relations since September 2020. Prior to that, she served as the Administrator for the Department's Disability Compensation Division. Ms. Vidinhar has previously served in a variety of public positions, including as the Assistant Director and City Building Official, and as the Development Manager and Planner at the City of Bremerton, Washington Department of Community Development; and as a Senior Planner and Building and Planning Supervisor at the Kitsap County Department of Community Development.

Your Committee finds that Ms. Vidinhar has a thorough understanding of the role and responsibilities of the Deputy Director and her extensive experience with work programs and public sector management will continue to enhance Department operations. Your Committee therefore recommends that Ms. Vidinhar be appointed as Deputy Director of Labor and Industrial Relations based on her knowledge, experience, 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. 978 Judiciary on Gov. Msg. No. 515

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF REGISTRATION OF THE ISLAND OF O'AHU

G.M. No. 515 MARILYN KHAN, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Marilyn Khan for service on the Board of Registration of the Island of O'ahu.

Your Committee received testimony in support of the nomination for the reappointment of Marilyn Leimomi Khan from the Koʻolau Foundation and four individuals.

Upon review of the testimony, your Committee finds that Ms. Khan's experience, background, and commitment to public service qualify her for consideration for reappointment to the Board of Registration of the Island of O'ahu. Numerous testifiers commended Ms. Khan's integrity and dedication to fairness in the democratic process. Your Committee further finds that she has developed a strong reputation for professionalism and thoroughness during her service on the Board of Registration of the Island of O'ahu, and that her commitment to ensuring fairness in the process of registering and counting votes will continue to be great assets to the Board.

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, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 979 Judiciary on Gov. Msg. Nos. 525 and 663

Recommending that the Senate advise and consent to the nominations of the following:

COMMISSION TO PROMOTE UNIFORM LEGISLATION

G.M. No. 525 PETER HAMASAKI, for a term to expire 06-30-2024; and

G.M. No. 663 LANI EWART, for a term to expire 06-30-2025

Your Committee has reviewed the personal histories, resumes, and statements submitted by Peter Hamasaki and Lani Ewart for service on the Commission to Promote Uniform Legislation.

PETER HAMASAKI

Your Committee received testimony in support of the nomination for the reappointment of Peter Hamasaki from the Department of the Attorney General and three individuals.

Upon review of the testimony, your Committee finds that Mr. Hamasaki's background, experience, and commitment to public service qualify him for consideration for reappointment to the Commission to Promote Uniform Legislation. Your Committee notes that Mr. Hamasaki is licensed to practice law in the State and has regularly attended and participated in the annual meetings of the National Conference of Commissioners on Uniform State Laws and the National Conference's committee meetings. Mr. Hamasaki has served as a member of numerous National Conference committees, including the National Conference's Drafting Committee on Registered Agents and Annual Filing Requirements Act and the Drafting Committee to Revise the Uniform Law on Notarial Acts, among many others. Your Committee further notes that the National Conference's committee appointments are selectively made by the President of the National Conference and not all members have the privilege of serving on a Committee. In addition to attending meetings of the National Conference, Mr. Hamasaki has regularly participated in meetings and activities of the Commission to Promote Uniform Legislation by providing information to interested organizations and officials of the Executive Branch and providing testimony to legislative committees during hearings on bills to enact new or revised uniform laws.

LANI EWART

Your Committee received testimony in support of the nomination for the reappointment of Lani Ewart from the Department of the Attorney General and three individuals.

Upon review of the testimony, your Committee finds that Ms. Ewart's background, experience, and commitment to public service qualify her for consideration for reappointment to the Commission to Promote Uniform Legislation. Your Committee notes that Ms. Ewart is licensed to practice law in the State, and has served on the Commission to Promote Uniform Legislation continuously since 1977. She currently serves as Chairperson of the Commission, and has regularly attended and actively participated in the Commission's meetings. Your Committee further notes that Ms. Ewart was elected to Life Membership in the National Conference in 1998. To become a Life Member, a commissioner is required to serve the National Conference in the voluntary drafting and review of uniform laws for at least twenty years, must be recommended by the National Conference's Executive Committee, and must be elected by an affirmative vote of two-thirds of the commissioners present and voting at the session in which the recommendation is made. Your Committee additionally finds that Ms. Ewart was the first woman commissioner to be elected to Life Membership in the then 106-year history of the National Conference. Your Committee further finds that Ms. Ewart has served on numerous National

Conference Committees during her service as a commissioner, and has been instrumental in the activities of the Commission to Promote Uniform Legislation.

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, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 980 Transportation on Gov. Msg. Nos. 569, 570, 571, and 572

Recommending that the Senate advise and consent to the nominations of the following:

STATE HIGHWAY SAFETY COUNCIL

G.M. No. 569 KAREN TESSIER, for a term to expire 06-30-2024;

G.M. No. 570 HENRY ROSS, for a term to expire 06-30-2024;

G.M. No. 571 VERNON SCRIBNER, for a term to expire 06-30-2024; and

G.M. No. 572 CHAD TANIGUCHI, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Karen Tessier, Henry Ross, Vernon Scribner, and Chad Taniguchi for service on the State Highway Safety Council.

KAREN TESSIER

Your Committee received testimony in support of the nomination for the appointment of Karen Tessier from the Department of Transportation and one individual.

Upon review of the testimony, your Committee finds that Ms. Tessier's experience in the field of nursing, especially her experience caring for children in the pediatric intensive care unit who were victims of motor vehicle crashes, will be very beneficial to the Council. Ms. Tessier is currently an Assistant Professor at the University of Hawaii at Manoa, School of Nursing and Dental Hygiene. Your Committee notes that Ms. Tessier is already actively contributing to highway safety in her position as Coordinator of the Keiki Injury Prevention Coalition Child Passenger Safety program as well as being a nationally certified Child Passenger Safety Technician Instructor. These experiences will give Ms. Tessier a unique voice on the Council and allow her to use her personal knowledge and experiences gained from years of service to advance child safety initiatives. Your Committee therefore finds that Ms. Tessier's knowledge, personal experience, and desire to contribute to the community will be valuable assets to the State Highway Safety Council.

HENRY ROSS

Your Committee received testimony in support of the nomination for the appointment of Henry Ross from the Department of Transportation and Office of the Prosecuting Attorney for the County of Kauai.

Your Committee finds that Mr. Ross currently serves as a Deputy Prosecuting Attorney for the County of Kauai. In that role he has prosecuted all types and degrees of traffic crimes on Kauai. Your Committee notes that Mr. Ross also serves as a Traffic Safety Resource Prosecutor (TSRP) in the Kauai Office of the Prosecuting Attorney. As a TSRP, he provides legal resources to law enforcement officers and traffic prosecutors around the State. In his personal statement, Mr. Ross highlighted his role as a TSRP and explained how this role has provided him with the opportunity to work with a wide variety of traffic safety professionals as well as being constantly engaged in traffic safety issues. Your Committee therefore finds that Mr. Ross's knowledge, personal experience, and desire to contribute to the community will be valuable assets to the State Highway Safety Council.

VERNON SCRIBNER

Your Committee received testimony in support of the nomination for the appointment of Vernon Scribner from the Department of Transportation, Office of the Prosecuting Attorney of the County of Kauai, Kauai County Police Department, and one individual.

Your Committee finds that Mr. Scribner currently serves as a Sergeant with the Kauai Police Department. Mr. Scribner brings decades of policing experience to the Council and will be able to provide valuable insights to traffic safety from a law enforcement perspective. Your Committee also notes that during his more than twenty years of service with the Kauai Police Department, Mr. Scribner worked for six years as a Traffic Crash Reconstructionist and for the past two years as the Acting Commander for the Kauai Police Department's Traffic Safety Section. In those roles, Mr. Scribner has responded to numerous serious and fatal injury crashes and will bring that wealth of experience to bear while working with the Council to improve highway safety. Your Committee therefore finds that Mr. Scribner's knowledge, personal experience, and desire to contribute to the community will be valuable assets to the State Highway Safety Council.

CHAD TANIGUCHI

Your Committee received testimony in support of the nomination for the reappointment of Chad Taniguchi from the Department of Transportation.

Your Committee finds that Mr. Taniguchi is the Emeritus Director for the Hawaii Bicycling League (HBL) and the former Executive Director for the Hawaii Public Housing Authority. Mr. Taniguchi has previously served on the State Highway Safety Council from 2011 until 2018 and the experience he gained will be a valuable resource. Your Committee notes Mr. Taniguchi's commitment to the State's Vision Zero policy, a state-wide policy that seeks to prevent and ultimately eliminate all traffic fatalities in the State, and is impressed by his work with Robert's Hawaii while serving as the Executive Director of the HBL. Robert's Hawaii drivers had been

responsible for accidents that resulted in at least one pedestrian or cyclist fatality each year between 2006 and 2010 until Mr. Taniguchi and HBL worked with them to reduce that number to zero fatal accidents since 2010. Your Committee therefore finds that Mr. Taniguchi's knowledge, personal experience, and desire to contribute to the community will be valuable assets to the State Highway Safety Council.

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. For Gov. Msg. Nos. 569, 570, and 571: Ayes, 3. Noes, none. Excused, 2 (English, Fevella). For Gov. Msg. No. 572: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 981 Health on Gov. Msg. No. 506

Recommending that the Senate advise and consent to the nomination of the following:

DIRECTOR OF THE DEPARTMENT OF HEALTH

G.M. No. 506 ELIZABETH CHAR, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Dr. Elizabeth Char for service as the Director of the Department of Health.

Your Committee received testimony in support of the nomination for the appointment of Dr. Char from the Office of the Governor; Department of Agriculture; Department of Commerce and Consumer Affairs; Department of Land and Natural Resources; Department of Transportation; Department of Defense; Department of Accounting and General Services; Department of Budget and Finance; Department of Business, Economic Development, and Tourism; Department of Labor and Industrial Relations; Department of Public Safety; Department of Taxation; Department of Human Resources Development; Department of Education; Department of Human Services; Department of Hawaiia Home Lands; Hawaii State Energy Office; State Fire Council; University of Hawaii at Manoa Pacific Emergency Management, Preparedness and Response Information Network and Training Services; Hawaii Health Systems Corporation; Hawai'i Lodging & Tourism Association; Hawai'i Tourism Authority; City and County of Honolulu Department of Emergency Management; City and County of Honolulu Emergency Services Department; Mayor of the County of Kaua'i; Hawai'i Fire Department; Hawai'i Pacific Health; The Queen's Health Systems; Hawaii Primary Care Association; Healthcare Association of Hawaii; Kaiser Permanente Hawai'i; One Shared Future Inc.; American Heart Association, Inc.; Hawaii College of Emergency Physicians; Hawaii Medical Service Association; Hina Mauka; Kökua Mau, Inc.; National Association of EMS Physicians; Hawaii' Public Health Institute; and sixty-eight individuals.

Dr. Char is currently the Interim Director of Health and was appointed to the position as the State was grappling with the coronavirus disease 2019 (COVID-19) pandemic. At the time of her appointment, Dr. Char was working as an emergency physician for Queen's Healthcare Centers; was the Medical Director of American Medical Response, Hawaii; and the Medical Director of both the Honolulu Fire Department and Kauai Fire Department. Dr. Char has served, among other positions, as the Director of the City and County of Honolulu's Emergency Services Department, Medical Director of Oahu Emergency Medical Services, and President of the Oahu Board of Directors for the American Heart Association. Dr. Char has also served as an advisor for the Emergency Medicine Interest Group at the John A. Burns School of Medicine. Additionally, Dr. Char has served the State as a member of the State's Maternal Mortality Review Committee and Opioid Abuse and Prevention Task Force. Dr. Char has held these positions while practicing as a physician since 1997. Notably, the Governor named Dr. Char to the position of Interim Director of Health on September 8, 2020, shortly after Hawaii experienced a spike in COVID-19 infections in August 2020. She was immediately faced with captaining the State's response to the pandemic through efforts such as contact tracing, developing safety policies, and the ongoing vaccine distribution

Dr. Char is admired and respected by her colleagues, as evidenced by the unanimous supportive testimony submitted on her behalf. Testimony in support of her nomination indicates that she has a proven track record of being a tireless worker, an effective communicator, and an experienced physician. Testifiers who have worked closely with Dr. Char commented that, in her time as Interim Director of Health, she has brought a holistic perspective and vision to the Department of Health and that she makes sound, evidence-based decisions. Other testifiers noted that Dr. Char brings a leadership style that is authentic, humble, collaborative, compassionate, and competent.

Your Committee notes from Dr. Char's personal statement that her vision for the Department of Health is to lead a team of deputy directors towards a science-based, rational approach to help the State navigate the COVID-19 pandemic and mitigate morbidity and mortality in the community. Dr. Char also highlighted the need for collaboration between government, the private sector, and the nonprofit sector to solve the challenges presented by the COVID-19 pandemic and other public health problems that may arise. Your Committee believes that Dr. Char, with her experience, background, and demonstrated commitment to the health and safety of the people of Hawaii, possesses the qualifications to serve and excel as the Director of Health and to continue leading the Department of Health

As affirmed by the record of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 982 Agriculture and Environment on H.B. No. 817

The purpose and intent of this measure is to require each executive department to ensure that a certain percentage of the produce purchased by that department is grown in Hawaii and report to the Legislature on each department's progress toward meeting locally-grown produce benchmarks.

Your Committee received testimony in support of this measure from the Department of Education; Hawai'i Farm Bureau; Malama Kaua'i; Ulupono Initiative LLC; Healthy Eating Active Living; Hawai'i Public Health Institute; Hawai'i Farm to School Hui, Hawaii Cattlemen's Council, Inc.; Hawai'i Alliance for Progressive Action; Center for Getting Things Started; Land Use Research Foundation of Hawaii; Kamehameha Schools; and eleven individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that supporting local businesses and encouraging the production and use of local agricultural products is a matter of statewide concern. Requiring state departments and agencies to establish and meet benchmarks for the purchase of fifty percent locally grown, raised, and harvested produce by 2050, with relative benchmarks along the way, demonstrates the State's support for local farmers and ranchers with a consistent market to provide fresh, healthy products to the community and revitalization of the local economy, especially in the State's rural areas. Local food procurement boosts the flavor of meals, benefits the environment through maintenance of farmland and green space, and promotes food safety. These efforts can be important in supporting local food production goals, supporting the local agriculture industry, and increasing the State's food security efforts. Additionally, the staggered timeline proposed by the measure can help farmers gradually expand production to meet proposed demands.

Your Committee also finds that this measure seeks to provide equitable access to locally-grown products to all Hawaii residents, rather than those with the means to spend premium prices for local products.

Your Committee has amended this measure by:

- (1) Clarifying that the benchmark for locally-grown products are measured by the percent of total food cost;
- Replacing "locally-grown produce" with "fresh local agricultural products and local value-added, processed, agricultural, or food products" throughout;
- (3) Adding definitions for "fresh local agricultural products", "local value-added processed, agricultural, or food products", and "primary agricultural product" to be in alignment with the Department of Agriculture's Seal of Quality Program that protects Hawaii's brand for fresh and value-added products; 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. 817, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 817, 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 (Fevella).

SCRep. 983 Agriculture and Environment on H.B. No. 871

The purpose and intent of this measure is to:

- (1) Authorize the Department of Agriculture to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure on any lands under its jurisdiction, to support and promote agriculture;
- (2) Establish the agricultural enterprise program;
- (3) Establish the agricultural enterprise special fund; and
- (4) Require the Board of Agriculture to annually report an accounting of non-agricultural park lessees to the Legislature.

Your Committee received testimony in support of this measure from the Department of Agriculture, University of Hawai'i College of Tropical Agriculture and Human Resources, Hawaii Aquaculture & Aquaponics Association; Hawaii Farm Bureau; East Oahu County Farm Bureau; Ulupalakua Ranch; Hawaii Cattlemen's Council, Inc.; Larry Jefts Farms, LLC; Ulupono Initiative LLC; Ag Matters, LLC; Local Food Coalition; Kalera, Inc.; Land Use Research Foundation of Hawaii; Hawai'i Food+ Policy Internship 2021; Kualoa Ranch Hawaii; and twelve individuals.

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." Currently, the Department of Agriculture's agricultural park program and the non-agricultural park program focuses on the actual, physical farming activity on land. Limited ancillary activity is allowed only under narrow conditions and circumstances. Many diversified farming operations do not have adequate resources to expand or maximize their productivity. Your Committee finds that it is imperative to provide 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. Agricultural infrastructure such as controlled environment production, on-site processing, cold storage, and value-added processing will promote environmental sustainability and meet consumer demands. These types of operations are extremely costly and not within the budgets for new or expanding small and medium-sized farms but are critical to support the State's goal relating to food production.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 871, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 871, 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. 984 Agriculture and Environment on H.B. No. 416

The purpose and intent of this measure is to:

- (1) Prohibit certain restraints and tethers that endanger a dog, including preventing the dog from obtaining sustenance; and
- (2) Authorize courts to order attendance at educational classes concerning animal abuse prevention in addition to other penalties.

Your Committee received testimony in support of this measure from the Hawaiian Humane Society, Animal Interfaith Alliance in Britain, Animal Rights Hawai'i, Sanctuary of Mana Ke'a Gardens, Hawaii Association of Animal Welfare Agencies, Domestic Violence Hurts Animals and People, Pono Advocacy, The Humane Society of the United States, and thirty-five individuals. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that tethering a dog in ways that cause injuries; preventing access to food, water, or shelter; or isolating an animal from opportunities to bond with their human families adversely affects the health and safety of dogs and can lead to further aggressive behavior. Dogs that are tethered are three times more likely to develop aggressive behavior than those that are not chained. Existing statutes make it difficult for law enforcement officers to act before an improperly tethered or restrained dog has suffered serious injuries or death. Your Committee further finds that these protections will ensure that dogs who are kept outdoors are provided proper and humane restraints and are provided adequate food and water. This measure is intended to create reasonable expectations for the humane treatment of dogs, and not simply to punish violators. The proposed enforcement provisions concerning proper tethering will allow investigators to educate dog owners so they can correct violations before an animal becomes aggressive or the dog endangers itself, keeping pets safe on their property and socially integrated.

Your Committee has heard the concerns of the Department of the Prosecuting Attorney of the City and County of Honolulu that this measure as drafted appears to narrow the criminal conduct, rather than expand the criteria for behavior that qualifies under the offense. Additionally, the suggested penalties may create a conflict within existing statutes that may unnecessarily restrict the Department of the Prosecuting Attorney from requesting the educational courses as a condition of probation in other types of cruelty to animal offenses. Removal of this provision would not preclude the courts from imposing educational classes as already authorized under section 706-624, Hawaii Revised Statues, Amendments to this measure are therefore necessary to address the Department of the Prosecuting Attorney's concerns.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying the prohibited conduct and elements under the offense of cruelty to animals in the second degree;
- (2) Removing language that would have authorized a court to order attendance at educational classes concerning animal abuse prevention pursuant to section 706-624, Hawaii Revised Statutes, because courts already have such discretion; 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. 416, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 416, H.D. 2, 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. 985 Agriculture and Environment on H.B. No. 770

The purpose and intent of this measure is to protect the health of Hawaii's consumers by establishing a task force to:

- (1) Review and recommend specific actions to ensure that Hawaii's food imports, including meat, produce, and all dairy products, are sourced, transported, stored, and distributed to retailers, restaurants, institutions, schools, or any place designated for sale to the public, in compliance with the federal Food Safety Modernization Act; and
- (2) Develop specific recommendations to ensure that all foods and brands imported into Hawaii do not mislead or confuse the public through name, pictures, artwork, or statements in packaging or by advertising that the imported food's origin is from Hawaii or has the same freshness or qualities as food that is locally produced.

Your Committee received testimony in support of this measure from the Department of Agriculture, University of Hawai'i College of Tropical Agriculture and Human Resources, and one individual.

Your Committee finds that aligning the State's food safety standards with the food safety science requirements in the Food Safety Modernization Act from source point to sale will safeguard our most vulnerable populations from ailments, hospitalizations, and death associated with bacterial infections linked to foodborne illnesses. Your Committee further finds that the growth in demand for local products has caused an increase of non-locally made products to be marketed and packaged. The scope of the proposed task force includes finding mechanisms to protect against continued misrepresentations of the origin of products as being from any place within Hawaii if the origin of the product is not actually from the State, thereby ensuring consumers that they are purchasing and supporting local products.

Your Committee has amended this measure by:

- (1) Adding the Director of Health as a member of the task force, as the appropriate party with food security concerns under their purview;
- (2) Inserting an effective date of July 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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 770, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 770, H.D. 1, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 986 Agriculture and Environment on H.B. No. 1088

The purpose and intent of this measure is to prohibit manufacturers from importing cosmetics in the State for profit, sale, and offer for sale if the final product or any component of the final product was developed or manufactured using animal testing performed in a cruel manner on or after January 1, 2024.

Your Committee received testimony in support of this measure from Animal Rights Hawai'i, Animal Defenders International, Pono Advocacy, Cruelty Free United States, Cruelty Free International, The Body Shop, Hawaiian Humane Society, Down to Earth Organic & Natural, The Humane Society of the United States, and nine individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that testing cosmetics on animals is cruel and increasingly unnecessary, as there are now thousands of cosmetic ingredients whose effects have already been tested and compiled. Alternatives to animal testing are available, some of which provide better predictors of adverse human reactions to new chemical compounds than animal testing. Your Committee notes that the prohibition on the sale of cosmetics tested on animals included in this measure is not unique, as similar prohibitions have already been adopted by California, Nevada, Illinois, India, Israel, Norway, Switzerland, and the European Union.

Your Committee finds that this measure strikes a balance between a complete ban and limited exceptions to the animal testing prohibition, which exceptions recognize the realities of chemical testing commonly done around the globe. Your Committee further notes that this measure is not intended to penalize retailers or consumers who rely on manufacturers to meet state laws or rules, nor is its intent to prohibit the continued import or export of cosmetic products in the State from or to other countries if the safety of the product sold in the State does not rely on data from animal testing that was performed after 2024.

Your Committee has amended this measure by:

- (1) Moving the substantive provisions to chapter 321, Hawaii Revised Statutes, relating to the Department of Health, as chapter 328, Hawaii Revised Statutes, only governs cosmetics related to human health;
- (2) Deleting references to section 711-1109, Hawaii Revised Statutes, as the testing of ingredients on animals does not occur in Hawaii, and thus could not be substantiated as meeting the state law's definition of cruelty;
- (3) Making it effective upon its approval; 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. 1088, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1088, H.D. 3, S.D. 1, and be referred to your Committees on Judiciary and Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

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

SCRep. 987 Agriculture and Environment on H.B. No. 1102

The purpose and intent of this measure is to prohibit the intentional release of balloons inflated with a gas that is lighter than air.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources – Division of Aquatic Resources, Hawai'i Reef and Ocean Coalition, Animal Rights Hawai'i, For the Fishes, Surfrider Foundation O'ahu Chapter, Beach Environmental Awareness Campaign Hawaii (B.E.A.C.H.), Hawai'i Wildlife Fund, The Humane Society of the United States, six individuals, and a petition signed by over fifteen hundred individuals.

Your Committee finds that the release of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals. Many animals are attracted to the bright colors of balloons and mistake them for food, which can cause an animal severe injury or death. Animals are often found entangled in balloon strings and as a result are injured or strangled to death.

Your Committee further finds that any benefit provided by the intentional release of balloons is de minimis at best. There are numerous other ecologically friendly options to celebrate or commemorate events. Therefore, your Committee finds that to ensure the safety of wildlife and marine animals and protect the environment, the intentional release of balloons filled with lighter-than-air gas should be prohibited, except under certain circumstances.

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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1102, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1102, 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, 5. Noes, none. Excused, none.

CRep. 988 Transportation on Gov. Msg. Nos. 567 and 568

Recommending that the Senate advise and consent to the nominations of the following:

MEDICAL ADVISORY BOARD

G.M. No. 567 ANTHONY KATRAS, for a term to expire 06-30-2025; and

G.M. No. 568 CHRISTOPHER TORTORA, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Anthony Katras and Christopher Tortora for service on the Medical Advisory Board.

ANTHONY KATRAS

Your Committee received testimony in support of the nomination for the reappointment of Anthony Katras from the Department of Transportation.

Upon review of the testimony, your Committee finds that Dr. Katras' professional experience, background, and commitment to public service qualify him for consideration for reappointment to the Medial Advisory Board. Dr. Katras is currently a vascular surgeon at Straub Clinic and Hospital and Tripler Army Medical Center. His experience and knowledge with general medical issues as well as with vascular surgical procedures in particular will continue to be of great benefit to the Board, especially when reviewing cases that involve these types of medical conditions. Your Committee notes that Dr. Katras has served on the Medical Advisory Board for the past three years and his experience in this role will be a valuable resource. Your Committee therefore finds that Dr. Katras' knowledge, personal experience, and desire to contribute to the community will continue to be valuable assets to the Medical Advisory Board.

CHRISTOPHER TORTORA

Your Committee received testimony in support of the nomination for the reappointment of Christopher Tortora from the Department of Transportation.

Upon review of the testimony, your Committee finds that Dr. Tortora's professional experience, background, and commitment to public service qualify him for consideration for reappointment to the Medial Advisory Board. Prior to his retirement in 2019, Dr. Tortora served as the Medical Director of the Hawaii Eye Center for sixteen years. In over thirty years of practice as an ophthalmologist with a sub-specialty in glaucoma and cataract, Dr. Tortora was frequently acknowledged as a leader in his field and received "Top Doctor" and "Best Doctors" awards in 2015-2017. Your Committee also notes that Dr. Tortora has been serving on the Medical Advisory Board since 2020 and that his contributions have been valuable and appreciated by the other members of the Board. Your Committee therefore finds that Dr. Tortora's knowledge, personal experience, and desire to contribute to the community will continue to be valuable assets to the Medical Advisory Board.

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

SCRep. 989 Judiciary on S.C.R. No. 8

The purpose and intent of this measure is to request the Hawaii State Commission on the Status of Women to convene a task force to study missing and murdered Native Hawaiian women and girls.

Your Committee received testimony in support of this measure from the Judiciary, Department of Health, Office of Hawaiian Affairs, Hawaii State Commission on the Status of Women, Hawaii Children's Action Network Speaks!, Planned Parenthood Votes Northwest and Hawaii, Hoʻōla Nā Pua, and six individuals. Your Committee received comments on this measure from the Hawaii Youth Services Network.

Your Committee finds that missing and murdered native women is a human rights crisis that disproportionately affects indigenous peoples in the United States and Canada, notably those in Native American communities.

Your Committee further finds that there are concerns about the high rate of sexual violence against Native Hawaiian women. Native Hawaiians represent the largest ethnic group among sex abuse victims and Native Hawaiian girls are over-represented among juvenile runaways, but until recently no comprehensive data on the prevalence of sex trafficking victimization among Native Hawaiians was available. Your Committee additionally finds that, given the potential prevalence of sex trafficking, sexual exploitation, and sexual abuse of Native Hawaiians and the lack of reliable information related to this risk, more data is needed to understand and address the social and systemic contexts of violence against Native Hawaiian women and girls, including their murder or disappearance.

Your Committee has amended this measure by:

- (1) Clarifying language comparing the amounts earned by native Hawaiian women relative to men;
- (2) Requesting that the task force submit its preliminary and final report forty days prior to the Regular Sessions of 2023 and 2024, respectively, instead of twenty days prior; 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. 8, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 8, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 990 Agriculture and Environment on S.R. No. 60

The purpose and intent of this measure is to request that the year 2022 be designated as the Year of the Limu.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Land and Natural Resources, Malama Pupukea-Waimea, Kuaʻāina Ulu 'Auamo (KUA), Reef Power LLC, the Kawaihapai Ohana, Ke Kula Nui o Waimanalo, and seventeen individuals.

Your Committee finds that limu is found throughout the Hawaiian islands and forms a critical cultural and ecological piece of Hawaii's oceanscape. Limu serves as the primary food and shelter for herbivorous fish and is the foundation of the food chain, helps to filter runoff, and provides necessary protection and food for juvenile fish. Some limu also have high medicinal and ceremonial value. Currently, as the climate crisis looms ahead, non-native algae proliferate, and urbanization pressures increase, pollution and diversion of upland stream flows, the degradation of reefs, and changes to the hydrology and degradation in sand movement have compromised conditions of limu gathering. The loss of native limu runs parallel with the loss of Hawaiian cultural practices and loss of ancestral knowledge; limu knowledge and practices are still maintained, primarily in rural areas of the State, but the scarcity of this once-abundant resource has made it difficult for practitioners to pass on their knowledge.

However, your Committee finds that despite these obstacles to growing limu, there are several limu restoration projects throughout the State to preserve limu cultivation knowledge, reestablish limu abundance, and grow a network of limu practitioners. The "Year of the Limu" would uplift the work and passion of the cultural practitioners who have worked tirelessly to revitalize limu and provide opportunities to increase awareness and education of Hawaii's residents of the environmental and cultural significance of limu.

Your Committee has amended this measure by:

- Recognizing the achievements of kupuna whose academic and community efforts to revitalize limu practice perpetuated the deeper socio-cultural tie that bind limu to the State;
- (2) Acknowledging community efforts, like those of the Limu Hui of the Kua'āina Ulu 'Auamo (KUA) and the Waimanalo Limu Hui, for their ongoing efforts in propagating limu species;
- (3) Adding the Chairperson of the Board of Land and Natural Resources, Chairperson of the Board of Directors of KUA, and Limu Hui Coordinator for KUA as recipients for the certified copies of this resolution; 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 concurs with the intent and purpose of S.R. No. 60, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 60, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 991 Commerce and Consumer Protection on Gov. Msg. Nos. 611 and 612

Recommending that the Senate advise and consent to the nominations of the following:

HAWAI'I MEDICAL BOARD

G.M. No. 611 GERI YOUNG, for a term to expire 06-30-2025; and

G.M. No. 612 GARY BELCHER, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Geri Young and Gary Belcher for service on the Hawai'i Medical Board.

GERI YOUNG

Your Committee received testimony in support of the nomination for the reappointment of Geri Young from the Hawai'i Medical Board, Hawai'i Pacific Health, Kaua'i Medical Clinic, and one individual.

Upon review of the testimony, your Committee finds that Dr. Young's professional experience, background, and desire to serve her community qualify her for reappointment to the Hawaii Medical Board as a physician member from Kauai. Your Committee notes that Dr. Young has held a medical license in Hawaii for over forty years and is certified by the American Board of Pediatrics. Dr. Young currently works as a Pediatrician at Hawaii Pacific Health Kauai Medical Clinic, where she also serves as Medical Director,

and further works as an Assistant Clinical Professor with the Department of Pediatrics at the University of Hawaii at Manoa John A. Burns School of Medicine. Your Committee also notes that Dr. Young is an active member in a number of professional and community organizations, including the American Academy of Pediatrics, Kauai Rural Health Association, and Wilcox Medical Center where she currently serves as Chairperson of Physicians' Health, in addition to many others. Your Committee further finds that Dr. Young has served on the Hawai'i Medical Board since 2017 and her knowledge and experience continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Young be reappointed to the Hawai'i Medical Board based on her background, knowledge, and desire to contribute to the community.

GARY BELCHER

Your Committee received testimony in support of the nomination for the appointment of Gary Belcher from the Department of Commerce and Consumer Affairs and five individuals.

Upon review of the testimony, your Committee finds that Mr. Belcher's background and dedication to serving the public qualify him to be appointed to the Hawai'i Medical Board as a public member. Your Committee notes that Mr. Belcher has over forty years of experience in clinical health care and health care delivery systems and recently retired from his position as Residency Program Administrator for the surgical, orthopedic, and critical care training programs with the University of Hawaii John A. Burns School of Medicine and Hawaii Residency Programs, Inc., a position he held since 1982. Mr. Belcher remains an active participant in his community and currently serves as the Chapter Administrator for the Hawaii Chapter of the American College of Surgeons, and previously served on the Board of Speech Pathology and Audiology for six years, including serving as the Board's Vice-Chairperson. Your Committee finds that Mr. Belcher has a thorough understanding of the role and responsibilities of board members and his extensive experience in health care environments will continue to enhance the effectiveness of the Hawai'i Medical Board. Your Committee therefore recommends that Mr. Belcher be appointed to the Hawai'i Medical 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 992 Commerce and Consumer Protection on Gov. Msg. Nos. 624 and 625

Recommending that the Senate advise and consent to the nominations of the following:

MOTOR VEHICLE INDUSTRY LICENSING BOARD

G.M. No. 624 MARIE WEITE, for a term to expire 06-30-2023; and

G.M. No. 625 STEVEN CHOW, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Marie Weite and Steven Chow for service on the Motor Vehicle Industry Licensing Board.

MARIE WEITE

Your Committee received testimony in support of the nomination for the appointment of Marie Weite from the Motor Vehicle Industry Licensing Board and two individuals.

Upon review of the testimony, your Committee finds that Ms. Weite's experience, background, and commitment to public service qualify her for appointment to the Motor Vehicle Industry Licensing Board as a public member. Your Committee notes that Ms. Weite currently manages the claims department of First Insurance Company of Hawaii, Ltd. and has over forty years of experience in the insurance industry, handling auto, property, and litigation claims. Your Committee further notes that Ms. Weite is a highly active member in her profession and community and has served on various boards and commissions, including as Chairperson of the Hawaii Insurance Guaranty Association and Vice Chairperson of the Hawaii Insurers Council. Ms. Weite also previously served on the Governor's Highway Safety Council and the Motor Vehicle Repair Industry Board from 2012 to 2019, including serving as the Board's Chairperson. Your Committee finds that Ms. Weite has a thorough understanding of the roles and responsibilities of board members and her extensive experience and knowledge will be assets to the Motor Vehicle Industry Licensing Board. Your Committee therefore recommends that Ms. Weite be appointed to the Motor Vehicle Industry Licensing Board on her background and dedication to public service.

STEVEN CHOW

Your Committee received testimony in support of the nomination for the reappointment of Steven Chow from the Motor Vehicle Industry Licensing Board and two individuals.

Upon review of the testimony, your Committee finds that Mr. Chow's experience, knowledge, and proven leadership on the Motor Vehicle Industry Licensing Board qualify him for reappointment to the Board as a public member. Your Committee notes that Mr. Chow has been a licensed attorney in Hawaii since 1981 and engages in the general practice of law, including civil and commercial litigation, personal injury, insurance and construction law, and alternative dispute resolution. Mr. Chow is the founder and owner of The Pacific Law Group and is an active member in a number of professional associations. Your Committee further notes that Mr. Chow has served on various professional and community boards, including as former President for both Prevent Child Abuse Hawaii and Friends of Hickam, Inc., and as a member of the Board of Chiropractic Examiners. Mr. Chow has served on the Motor Vehicle Industry Licensing Board since 2016, currently serves as the Board's Vice Chairperson, and your Committee finds his experience and knowledge will continue to be assets to the Board. Your Committee therefore recommends that Mr. Chow be reappointed to the Motor Vehicle Industry Licensing 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 Commerce and Consumer Protection 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 (Riviere, Fevella).

SCRep. 993 Commerce and Consumer Protection on Gov. Msg. Nos. 613 and 614

Recommending that the Senate advise and consent to the nominations of the following:

PEST CONTROL BOARD

G.M. No. 613 WILLIAM LEE, for a term to expire 06-30-2024; and

G.M. No. 614 JOHN SPEED, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by William Lee and John Speed for service on the Pest Control Board.

WILLIAM LEE

Your Committee received testimony in support of the nomination for the appointment of William Lee from the Department of Commerce and Consumer Affairs; Isemoto Contracting Co., Ltd.; Business Insurance Services, Inc.; Hawaii Island Contractors' Association; Takamine Construction, Inc.; and two individuals.

Upon review of the testimony, your Committee finds that Mr. Lee's experience, background, and commitment to public service qualify him for appointment to the Pest Control Board as a licensee member. Your Committee notes that Mr. Lee has been licensed as a pest control operator in Hawaii since 2006 and is the owner of Will Kill Termites & Pests, LLC, a highly regarded and well-respected company in Hilo, Hawaii. Mr. Lee also serves as a member of multiple professional and community organizations and is the current Vice President the Hawaii Island Contractors' Association, Grounds Committee Chair for the Hilo Yacht Club, and former President of the Hawaii Island Portuguese Chamber of Commerce. Your Committee further notes that Mr. Lee has served as an interim member of the Pest Control Board since January 2020 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Lee be appointed to the Pest Control Board based on his knowledge, experience, and commitment to public service.

JOHN SPEED

Your Committee received testimony in support of the nomination for the appointment of John Speed from the Department of Commerce and Consumer Affairs; Durrett Lang Morse, LLLP; and one individual.

Upon review of the testimony, your Committee finds that Mr. Speed's background and dedication to serving the public qualify him to be appointed to the Pest Control Board as a licensee member. Your Committee notes that Mr. Speed has held a pest control operator license in Hawaii since 2002 and has been in the pest control industry for twenty-two years. Mr. Speed is the Founder and President of Kilauea Pest Control and is also the Founder and President of Gobias Industries, a real estate holdings and management company. Your Committee further notes that Mr. Speed is an active member in a number of professional and community organizations and serves as an Eagle Scout, advisory board member for Salvation Army of Honolulu, and has served in various capacities with the Hawaii Pest Control Association where he currently serves as Vice President. Your Committee finds that Mr. Speed has a thorough understanding of the role and responsibilities of board members and his extensive experience in the industry will continue to enhance the effectiveness of the Pest Control Board. Your Committee therefore recommends that Mr. Speed be appointed to the Pest Control Board based on his knowledge, background, and dedication to public.

As affirmed by the records of votes of the members of your Committee on Commerce and Consumer Protection 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 (Riviere, Fevella).

SCRep. 994 Commerce and Consumer Protection on Gov. Msg. Nos. 656 and 657

Recommending that the Senate advise and consent to the nominations of the following:

HAWAI'I BOARD OF VETERINARY MEDICINE

G.M. No. 656 ROBERT JORDAN, for a term to expire 06-30-2024; and

G.M. No. 657 AILEEN WADA, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Robert Jordan and Aileen Wada for service on the Hawai'i Board of Veterinary Medicine.

ROBERT JORDAN

Your Committee received testimony in support of the nomination for the appointment of Robert Jordan from the Hawai'i Board of Veterinary Medicine.

Upon review of the testimony, your Committee finds that Dr. Jordan's experience, knowledge, and proven leadership on the Hawai'i Board of Veterinary Medicine qualify him for appointment to the Board as a licensee member from Hawaii County. Dr. Jordan has been a licensed veterinarian in Hawaii since 2004 and has been a practicing veterinarian for over twenty-six years. Dr. Jordan is the

owner of Kona Veterinary Service, which was founded in 2004, and prior to that, Dr. Jordan worked as an emergency and critical care veterinarian. Dr. Jordan serves as a mentor for many new graduates and student externs in the field of veterinary medicine and has prior experience on the Hawai'i Board of Veterinary Medicine. Dr. Jordan has most recently served as an interim member of the Hawai'i Board of Veterinary Medicine since July 2020, and currently serves as the Board's Vice Chairperson. Dr. Jordan's experience and knowledge will continue to be assets to the Hawai'i Board of Veterinary Medicine. Your Committee therefore recommends that Dr. Jordan be appointed to the Hawai'i Board of Veterinary Medicine based on his experience, knowledge, and commitment to public service.

AILEEN WADA

Your Committee received testimony in support of the nomination for the reappointment of Aileen Wada from the Hawai'i Board of Veterinary Medicine and three individuals.

Upon review of the testimony, your Committee finds that Ms. Wada's experience, knowledge, and proven leadership on the Hawai'i Board of Veterinary Medicine qualify her for reappointment to the Board as a public member. As a pet owner, Ms. Wada brings a unique perspective that can be helpful in resolving issues considered by the Hawai'i Board of Veterinary Medicine. Your Committee notes that Ms. Wada is a licensed broker and real estate agent and has been employed with Locations, LLC for over thirty-five years. Ms. Wada is an active member in local neighborhood associations of apartment owners and other professional realtor organizations, and previously served on the Real Estate Commission for eight years. Your Committee further finds that Ms. Wada has served on the Hawai'i Board of Veterinary Medicine since 2019 and her experience, knowledge, and passion for animals will continue to be assets to the Board. Your Committee therefore recommends that Ms. Wada be reappointed to the Hawai'i Board of Veterinary Medicine 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 995 Commerce and Consumer Protection on Gov. Msg. Nos. 621, 622, and 623

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. 621 TONY LAU, for a term to expire 06-30-2025;

G.M. No. 622 KEVIN KATAYAMA, for a term to expire 06-30-2024; and

G.M. No. 623 DAN HIROTA, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Tony Lau, Kevin Katayama, and Dan Hirota for service on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects.

TONY LAU

Your Committee received testimony in support of the nomination for the appointment of Tony Lau from the Department of Commerce and Consumer Affairs; American Society of Civil Engineers Hawaii Section; Iwamoto Engineering Consultants, Inc.; MKE Associates LLC; and two individuals.

Upon review of the testimony, your Committee finds that Mr. Lau's background and dedication to serving the public qualify him to be appointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects as a professional engineer member. Your Committee notes that Mr. Lau has been licensed as a professional civil engineer since 1996 and has nearly thirty years of engineering experience. Mr. Lau is presently a civil engineering branch manager for capital improvements, as well as a civil engineering technical discipline coordinator, for Naval Facilities Engineering Systems Command Hawaii. Mr. Lau is also an active member in professional and community organizations, has served as the American Society of Civil Engineers Hawaii Section's President, Younger Forum Member President, and Professional Exam Refresher Course Chairperson. Your Committee finds that Mr. Lau has a thorough understanding of the role and responsibilities of board members and his extensive experience will continue to enhance the effectiveness of the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects. Your Committee therefore recommends that Mr. Lau be appointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his knowledge, background, and dedication to public service.

KEVIN KATAYAMA

Your Committee received testimony in support of the nomination for the appointment of Kevin Katayama from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects; Iwamoto Engineering Consultants, Inc.; Anbe, Aruga & Ishizu, Architects, Inc.; and one individual.

Upon review of the testimony, your Committee finds that Mr. Katayama's background, knowledge, and prior experience on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects qualify him for appointment to the Board as a professional engineer member. Your Committee notes that Mr. Katayama has been a licensed mechanical engineer in Hawaii since 1993. Mr. Katayama has over twenty-seven years of experience as an engineer and is currently the President and Principal-in-Charge of Katayama and Associates, a consulting engineering firm that provides design and construction supervision relating to air conditioning, ventilation, plumbing, fire protection, and energy management systems. Your Committee further finds that Mr. Katayama previously served on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects where he made significant contributions to the Board's deliberations, served on the Rules Committee, and assisted with the proposed

licensure for fire protection engineers. Mr. Katayama's experience and knowledge will continue to be assets to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects. Your Committee therefore recommends that Mr. Katayama be appointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his experience, knowledge, and commitment to public service.

DAN HIROTA

Your Committee received testimony in support of the nomination for the reappointment of Dan Hirota from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects; Iwamoto Engineering Consultants, Inc.; and four individuals.

Upon review of the testimony, your Committee finds that Mr. Hirota'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 a surveyor member. Your Committee notes that Mr. Hirota has nearly thirty years of experience in civil engineering and surveying and has been licensed as a land surveyor in Hawaii since 2002. Mr. Hirota has devoted much of his professional career to the development of highend resort residential communities along the gold coast of the Big Island of Hawaii, and is presently employed as senior engineer and surveyor of Coffman Engineers, Inc. Your Committee further finds that Mr. Hirota has served as a member of many professional and community organizations and has served on Board of Professional Engineers, Architects, Surveyors, and Landscape Architects since 2008 where he currently serves as Chairperson. Mr. Hirota's experience and knowledge will continue to be assets to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his knowledge, background, and desire to serve his community.

As affirmed by the records of votes of the members of your Committee on Commerce and Consumer Protection 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 (Riviere, Fevella).

SCRep. 996 Commerce and Consumer Protection on Gov. Msg. Nos. 542, 543, 544, and 545

Recommending that the Senate advise and consent to the nominations of the following:

STATE BOXING COMMISSION OF HAWAI'I

- G.M. No. 542 MARK OZAKI, for a term to expire 06-30-2024;
- G.M. No. 543 MICHAEL YADAO, for a term to expire 06-20-2022 (expiration date amended to 6-30-2022 by GM659);
- G.M. No. 544 JOEL KIM, for a term to expire 06-30-2024; and
- G.M. No. 545 MICHAEL FREITAS, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Mark Ozaki, Michael Yadao, Joel Kim, and Michael Freitas for service on the State Boxing Commission of Hawai'i.

MARK OZAKI

Your Committee received testimony in support of the nomination for the reappointment of Mark Ozaki from the State Boxing Commission of Hawai'i.

Upon review of the testimony, your Committee finds that Mr. Ozaki's experience, knowledge, and proven leadership on the State Boxing Commission of Hawai'i qualify him for reappointment to the Commission as a public member. Your Committee notes that Mr. Ozaki has forty years of combined experience in the field of boxing as an athlete, coach, judge, official, and fan. Mr. Ozaki is currently a Lieutenant with the Kauai Police Department Investigative Services Bureau and also serves as an instructor with the Department's Administrative and Technical Bureau. Mr. Ozaki is a proven leader in his community and serves on a number of nonprofit boards, coalitions, foundations, and committees, and has experience holding director, secretary, and treasurer positions. Your Committee further finds, that Mr. Ozaki has served on the State Boxing Commission of Hawaii since 2017 and his experience and knowledge will continue to be assets to the Commission. Your Committee therefore recommends that Mr. Ozaki be reappointed to the State Boxing Commission of Hawaii'i based on his experience, knowledge, and commitment to public service.

MICHAEL YADAO

Your Committee received testimony in support of the nomination for the appointment of Michael Yadao from the Department of Commerce and Consumer Affairs and one individual.

Upon review of the testimony, your Committee finds that Mr. Yadao's background and dedication to service the public qualify him for appointment to the State Boxing Commission of Hawai'i as a public member. Your Committee notes that Mr. Yadao is the Executive Director of the Hawaii Masons and Plasterers Union and was previously the Director of Government Relations for the General Contractors Association of Hawaii where he represented the association and the industry on all governmental issues. Prior to that, Mr. Yadao served as a campaign manager for Governor David Ige and Deputy Director of Campaign Operations for Mayor Kirk Caldwell. Mr. Yadao is also a former combat sport athlete, has served as a referee and coach, and is familiar with the local amateur fighting community. Your Committee further notes that Mr. Yadao has served as an interim member of the State Boxing Commission of Hawai'i since August 2020 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Yadao be appointed to the State Boxing Commission of Hawai'i based on his knowledge, experience, and dedication to public service.

JOEL KIM

Your Committee received testimony in support of the nomination for the appointment of Joel Kim from the Department of Commerce and Consumer Affairs; USA Boxing, Hawaii Association; and three individuals.

Upon review of the testimony, your Committee finds that Mr. Kim's experience, background, and commitment to public service qualify him for appointment to the State Boxing Commission of Hawai'i as a public member. Your Committee notes that Mr. Kim has worked as a secondary social studies teacher with the Department of Education since 2006, and prior to that, worked as a secondary history teacher for seven years with the Hawaii Public Summer School System. Mr. Kim has over forty years of diverse experience in boxing, including as a competition athlete, coach, official, licensed boxing cornerman, team owner, and various leadership roles within the Hawaii USA Boxing, Inc. organization. Your Committee further notes that Mr. Kim has served as an interim member of the State Boxing Commission of Hawai'i since August 2020 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Kim be appointed to the State Boxing Commission of Hawai'i based on his experience, knowledge, and commitment to public service.

MICHAEL FREITAS

Your Committee received testimony in support of the nomination for the reappointment of Michael Freitas from the State Boxing Commission of Hawai'i; USA Boxing, Hawaii Association; and one individual.

Upon review of the testimony, your Committee finds that Mr. Freitas' experience, knowledge, and proven leadership on the State Boxing Commission of Hawai'i qualify him for reappointment to the Commission as a public member. Your Committee notes that Mr. Freitas has over thirty years of federal and state government experience in the areas of strategic planning, budgeting, procurement, communication, and conflict resolution. For six years, Mr. Freitas worked as a Complaints Officer with the City and County of Honolulu Department of Customer Service, and prior to that, was an Eligibility Worker with the Department of Human Services. Your Committee further finds that Mr. Freitas has served on the State Boxing Commission of Hawai'i since 2017 and currently serves as Chair of the Commission. Mr. Freitas' experience and knowledge will continue to be assets to the State Boxing Commission of Hawai'i. Your Committee therefore recommends that Mr. Freitas be reappointed to the State Boxing Commission of Hawai'i based on his experience, knowledge, and proven dedication to serving the public.

As affirmed by the records of votes of the members of your Committee on Commerce and Consumer Protection 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 (Riviere, Fevella).

SCRep. 997 Commerce and Consumer Protection on Gov. Msg. No. 540

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

G.M. No. 540 ERIN FIRMIN, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Erin Firmin for service on the Board of Speech Pathology and Audiology.

Your Committee received testimony in support of the nomination for the appointment of Erin Firmin from the Board of Speech Pathology and Audiology, Department of Education, and one individual.

Upon review of the testimony, your Committee finds that Ms. Firmin's background, experience, and dedication to public service qualify her for appointment to the Board of Speech Pathology and Audiology as a licensee member. Your Committee notes that Ms. Firmin has worked as a speech-language pathologist in schools for over twenty years and has been a licensed speech pathologist in Hawaii since 2011. Ms. Firmin is currently employed by the Department of Education as a speech-language pathologist, and prior to that, worked as a speech-language pathologist with the San Diego Unified School District. Ms. Firmin is an active member in a number of professional and community organizations, including the Hawaii Association of Behavior Analysis and American Speech-Language-Hearing Association, and has held various chair positions with the Hawaii Speech-Language-Hearing Association. Your Committee further notes that Ms. Firmin has served as an interim member of the Board of Speech Pathology and Audiology since September 2020 and was recently confirmed as the Board's chairperson. Ms. Firmin's experience and knowledge will continue to be assets to the Board of Speech Pathology and Audiology. Your Committee therefore recommends that Ms. Firmin be appointed to the Board of Speech Pathology and Audiology 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 998 Commerce and Consumer Protection on Gov. Msg. No. 615

Recommending that the Senate advise and consent to the nomination of the following:

STATE BOARD OF BARBERING AND COSMETOLOGY

G.M. No. 615 RAYNETTE HALL, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Raynette Hall for service on the State Board of Barbering and Cosmetology.

Your Committee received testimony in support of the nomination for the appointment of Raynette Hall from the Department of Commerce and Consumer Affairs, Chamber of Commerce Hawaii, and one individual.

Upon review of the testimony, your Committee finds that Ms. Hall's background and dedication to serving the public qualify her to be appointed to the State Board of Barbering and Cosmetology as a licensed beauty operator. Your Committee notes that Ms. Hall has held a nail technician license since 2001, a beauty operator license since 2002, and is the owner and operator of Hapa Heaven Salon & Spa in Hawaii Kai. Previously, Ms. Hall was employed as an OPI Educator where she taught distributor workshops and seminars, presented in-salon classes, and represented the OPI nail polish manufacturer at educational events. Your Committee finds that Ms. Hall is part of the Small Business Advisory Committee with the Chamber of Commerce Hawaii, has a thorough understanding of the role and responsibilities of board members, and her extensive experience in the beauty industry will enhance the effectiveness of the State Board of Barbering and Cosmetology. Your Committee therefore recommends that Ms. Hall be appointed to the State Board of Barbering and Cosmetology based on her knowledge and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection 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 (Riviere, Fevella).

SCRep. 999 Commerce and Consumer Protection on Gov. Msg. Nos. 534 and 535

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DENTISTRY

G.M. No. 534 PAUL GUEVARA, for a term to expire 06-30-2021; and

G.M. No. 535 PAUL GUEVARA, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Paul Guevara for service on the Board of Dentistry.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Paul Guevara from the Board of Dentistry, Hawaii Dental Association, Temple Valley Dental Group, and three individuals.

Upon review of the testimony, your Committee finds that Dr. Guevara's experience, background, and commitment to public service qualify him for appointment and reappointment to the Board of Dentistry as a licensed dentist member. Your Committee notes that Dr. Guevara has been licensed as a dentist in Hawaii since 2003. Dr. Guevara has served in many positions in the dental field, both in the military and private sector, and currently works in private practice as an endodontist and is a resident instructor at the Waianae Coast Comprehensive Health Center. Your Committee further notes that Dr. Guevara is an active member of many professional and community organizations, including the American Association of Endodontists, American Dental Association, and Hawaii Dental Association, and previously served as Chair of the Board of Dentistry from 2015 to 2019. Dr. Guevara has been serving as an interim member of the Board of Dentistry since August 2020 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Dr. Guevara be appointed and reappointed to the Board of Dentistry 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 1000 Commerce and Consumer Protection on Gov. Msg. Nos. 532 and 533

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF ACUPUNCTURE

G.M. No. 532 BROOKE FOREMAN, for a term to expire 06-30-2021; and

G.M. No. 533 BROOKE FOREMAN, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Brooke Foreman for service on the Board of Acupuncture.

Your Committee received testimony in support of the nominations for the appointment and reapportionment of Brooke Foreman from the Board of Acupuncture, Wailuku Community Acupuncture, and three individuals.

Upon review of the testimony, your Committee finds that Dr. Foreman's professional experience, background, and desire to serve her community qualify her for appointment and reappointment to the Board of Acupuncture as a licensee member. Dr. Foreman holds a Doctorate of Acupuncture and Chinese Medicine and has worked in the field of acupuncture for over ten years. Dr. Foreman is the owner and operator of Brooke Foreman Acupuncture and Wellness, LLC on Kauai and has been a licensed acupuncturist in Hawaii since 2015. Your Committee further notes that Dr. Foreman is an active member of other professional and community organizations, including the Hawaii Acupuncture Association, National Certification Commission for Acupuncture and Oriental Medicine, and the

American Council on Exercise, and serves as a continuing education instructor for other practitioners. Your Committee further finds that Dr. Foreman has served as an interim member of Board of Acupuncture since September 2020, and her knowledge and experience continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Foreman be appointed and reappointed to the Board of Acupuncture 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 1001 Commerce and Consumer Protection on Gov. Msg. Nos. 538 and 539

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF PRIVATE DETECTIVES AND GUARDS

G.M. No. 538 SCOTT COLLINS, for a term to expire 06-30-2021; and

G.M. No. 539 SCOTT COLLINS, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Scott Collins for service on the Board of Private Detectives and Guards.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Scott Collins from the Board of Private Detectives and Guards; Pacific Security Group, LLC; Kobayashi Sugita & Goda, LLP; and one individual.

Upon review of the testimony, your Committee finds that Mr. Collins' professional experience, background, and desire to serve his community qualify him for appointment and reappointment to the Board of Private Detectives and Guards as a licensed private detective and licensed guard member. Your Committee notes that Mr. Collins has been practicing law in Hawaii for thirty-five years, and prior to that, worked as a security officer and law enforcement officer. Mr. Collins has been involved in the industry for several decades and has been licensed as both a private detective and guard since 1985. Mr. Collins is also the agency principal licensee for a number of security and private detective agencies in the State, which has helped shape his knowledgeable and sensible insight into the field. Your Committee further finds that Mr. Collins has served as an interim member of the Board of Private Detectives and Guards since August 2020 where he serves as a member of the Board's legislative committee and has volunteered to attend legislative committee hearings as the Board's representative. Mr. Collins' knowledge and experience continue to enhance the effectiveness of the Board and your Committee therefore recommends that Mr. Collins be appointed and reappointed to the Board of Private Detectives and Guards based on his background, knowledge, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection 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 (Riviere, Fevella).

SCRep. 1002 Commerce and Consumer Protection on Gov. Msg. No. 541

Recommending that the Senate advise and consent to the nomination of the following:

REAL ESTATE COMMISSION

G.M. No. 541 P. DENISE LA COSTA, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by P. Denise La Costa for service on the Real Estate Commission.

Your Committee received testimony in support of the nomination for the appointment of P. Denise La Costa from the Real Estate Commission; REALTORS Association of Maui, Inc.; Jack R. Naiditch, Inc.; and four individuals.

Upon review of the testimony, your Committee finds that Ms. La Costa's experience, background, and commitment to public service qualify her for appointment to the Real Estate Commission as a licensee member representing Maui County. Your Committee notes that Ms. La Costa has been a licensed real estate broker in Hawaii since 2001 and she is the owner and principal agent of La Costa Realty Hawaii, LLC in Lahaina. During the twenty-six-year course of Ms. La Costa's career, she has gained broad experience and knowledge concerning transactions representing buyers, sellers, lessees, and lessors with sales, listings, leasing, and management of all types of real estate. Your Committee further notes that Ms. La Costa is an active member in her professional community and serves on the Maui Commercial Roundtable and the Maui County Planning Commission. Ms. La Costa has served as an interim member of the Real Estate Commission since January 2021 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. La Costa be appointed to the Real Estate Commission 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 1003 Commerce and Consumer Protection on Gov. Msg. No. 608

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF PHARMACY

G.M. No. 608 KENT KIKUCHI, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Kent Kikuchi for service on the Board of Pharmacy.

Your Committee received testimony in support of the nomination for the appointment of Kent Kikuchi from the Department of Commerce and Consumer Affairs, Hawai'i Pacific Health, Gather Federal Credit Union, and three individuals.

Upon review of the testimony, your Committee finds that Mr. Kikuchi's experience, background, and commitment to public service qualify him for appointment to the Board of Pharmacy as a licensee member representing Kauai County. Your Committee notes that Mr. Kikuchi has been a licensed pharmacist in Hawaii since 1990 and is currently the Director of Pharmacy at Wilcox Medical Center, Kauai's largest health care provider. Your Committee further notes that Mr. Kikuchi is an active leader in his community and has served in various advisory roles and on the board of directors for a number of organizations, including the Hawaii Pharmacist Association and the Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office, representing the pharmacy industry. Your Committee finds that, having previously served on the Board from 2005 to 2009, Mr. Kikuchi has a thorough understanding of the roles and responsibilities of board members and his extensive experience in the field of pharmacy will continue to enhance the effectiveness of the Board of Pharmacy. Your Committee therefore recommends that Mr. Kikuchi be appointed to the Board of Pharmacy 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 1004 Commerce and Consumer Protection on Gov. Msg. No. 609

Recommending that the Senate advise and consent to the nomination of the following:

ELEVATOR MECHANICS LICENSING BOARD

G.M. No. 609 MARK BAKER, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Mark Baker for service on the Elevator Mechanics Licensing Board.

Your Committee received testimony in support of the nomination for the appointment of Mark Baker from the Elevator Mechanics Licensing Board; International Union of Elevator Constructors, Local Union No. 126; and three individuals.

Upon review of the testimony, your Committee finds that Mr. Baker's experience, background, and commitment to public service qualify him for appointment to the Elevator Mechanics Licensing Board as a licensee member. Your Committee notes that Mr. Baker has been licensed as an elevator mechanic in Hawaii since 1998 and has over twenty-five years of experience in installing, developing, and adjusting elevator controls and security systems. Mr. Baker is currently the lead adjuster with OTIS Elevator Company, and prior to that, worked with Kone Corporation as a foreman and mechanic, and with ThyssenKrupp Elevator Americas as a mechanic and adjuster. Mr. Baker also serves as an instructor for the National Elevator Industry Education Program, mentoring apprentice elevator mechanics. Your Committee further notes that Mr. Baker has served as an interim member of the Elevator Mechanics Licensing Board since January 2021 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Baker 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 1005 Commerce and Consumer Protection on Gov. Msg. No. 610

Recommending that the Senate advise and consent to the nomination of the following:

HAWAI'I BOARD OF OPTOMETRY

G.M. No. 610 PETER SEARL, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Peter Searl for service on the Hawai'i Board of Ontometry.

Your Committee received testimony in support of the nomination for the appointment of Peter Searl from the Department of Commerce and Consumer Affairs; Strategies Education, Inc.; and one individual.

Upon review of the testimony, your Committee finds that Dr. Searl's background and dedication to serving the public qualify him to be appointed to the Hawai'i Board of Optometry as a licensee member. Your Committee notes that Dr. Searl has worked as a pilot for

Hawaiian Airlines since 1992 and has been a licensed optometrist in Hawaii since 2002, specializing in sports vision and concussion education. Dr. Searl was an active member in the Hawaii Chapter of the Airline Pilots Association Aeromedical Committee, including serving many years as Aeromedical Chairperson, where he educated fellow pilots about the role of optometry in a person's overall health. Dr. Searl also serves on the Airline Pilots Association National Pilot Peer Support Committee, providing counsel to fellow pilots who may be experiencing trauma or stress in their lives. Your Committee finds that Dr. Searl has a thorough understanding of the role and responsibilities of board members and his unique and extensive experience will continue to enhance the effectiveness of the Hawai'i Board of Optometry. Your Committee therefore recommends that Dr. Searl be appointed to the Hawai'i Board of Optometry 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 1006 Commerce and Consumer Protection on Gov. Msg. No. 536

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF MASSAGE THERAPY

G.M. No. 536 AMY OKURA, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Amy Okura for service on the Board of Massage Therapy.

Your Committee received testimony in support of the nomination for the appointment of Amy Okura from the Board of Massage Therapy, Klein Natural Health and Wellness Center, and one individual.

Upon review of the testimony, your Committee finds that Ms. Okura's professional experience, background, and desire to serve her community qualify her for appointment to the Board of Massage Therapy as a licensee member. Your Committee notes that Ms. Okura is currently a massage therapist at Klein Natural Health and Wellness Center in Hilo and has been a licensed massage therapist in Hawaii since 2001. In the past, Ms. Okura volunteered at a public charter school, a domestic violence shelter, and was a member of Easter Seals. Your Committee further notes that Ms. Okura has served as an interim member of the Board of Massage Therapy since January 2021 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Okura be appointed to the Board of Massage Therapy 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 1007 Commerce and Consumer Protection on Gov. Msg. No. 537

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF PHYSICAL THERAPY

G.M. No. 537 JOANNE ZAZZERA, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Joanne Zazzera for service on the Board of Physical Therapy.

Your Committee received testimony in support of the nomination for the appointment of Joanne Zazzera from the Department of Commerce and Consumer Affairs; The Queen's Health Systems; Kauai Region, Hawaii Health Systems Corporation; and two individuals.

Upon review of the testimony, your Committee finds that Dr. Zazzera's experience, background, and commitment to public service qualify her for appointment to the Board of Physical Therapy as a licensed physical therapist member. Your Committee notes that Dr. Zazzera is a Doctor of Physical Therapy and currently works as a physical therapist at The Queen's Health Systems Women's Health Center. Prior to that, Dr. Zazzera worked as a physical therapist in a one-on-one outpatient orthopedic clinic, treating a diverse group of patients. Your Committee further notes that Dr. Zazzera is an active member of numerous committees within The Queen's Medical Center organization and formerly served as Legislative Chair for the Hawaii Chapter of the American Physical Therapy Association. Your Committee further notes that Dr. Zazzera has served as an interim member of the Board of Physical Therapy since January 2021 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Dr. Zazzera be appointed to the Board of Physical Therapy 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 and Consumer Protection 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 (Riviere, Fevella).

SCRep. 1008 Hawaiian Affairs on Gov. Msg. No. 691

Recommending that the Senate advise and consent to the nomination of the following:

ISLAND BURIAL COUNCIL, ISLANDS OF KAUAI AND NIIHAU

G.M. No. 691 CAROL LOVELL, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Carol Lovell for service on the Island Burial Council, islands of Kauai and Niihau.

Your Committee received testimony in support of the nomination for the reappointment of Carol Lovell from the Office of Hawaiian Affairs, Department of Land and Natural Resources, Association of Hawaiian Civic Clubs, and two individuals.

Ms. Lovell is a resident of Anahola, Kauai, and has been serving on the Island Burial Council for the islands of Kauai and Niihau for the past five years. She previously served as the Kauai Museum Director for fourteen years, where she gained insight into Hawaiian history, culture, and burial practices. In that capacity, she became knowledgeable and gained experience in working with the Native American Grave Repatriation Act. Her responsibilities as Director also included attendance at Island Burial Council meetings, where she became familiar with Hawaiii's laws and rules regarding native Hawaiian burials. Ms. Lovell was also fortunate to have been mentored by well-known and respected kupuna of Kauai. Through that mentorship, she learned proper protocol surrounding cultural artifacts and gained a respect for traditional knowledge and cultural resources. Your Committee finds that Carol Lovell's knowledge and experience will continue to be valuable assets to the Island Burial Council for islands of Kauai and Niihau.

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, 5. Noes, none. Excused, none.

SCRep. 1009 Hawaiian Affairs on Gov. Msg. Nos. 688, 689, and 690

Recommending that the Senate advise and consent to the nominations of the following:

ISLAND BURIAL COUNCIL, ISLAND OF HAWAI'I

G.M. No. 688 NORMAN KAIMULOA, for a term to expire 06-30-2023;

G.M. No. 689 SCOTT MAHONEY, for a term to expire 06-30-2024; and

G.M. No. 690 CAYLA CRIVELLO, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Norman Kaimuloa, Scott Mahoney, and Cayla Crivello for service on the Island Burial Council, island of Hawai'i.

NORMAN KAIMULOA

Your Committee received testimony in support of the nomination for the reappointment of Norman Kaimuloa from the Office of Hawaiian Affairs and Department of Land and Natural Resources.

Mr. Kaimuloa has been serving on the Island Burial Council, island of Hawai'i, for the past four years. Mr. Kaimuloa has also served on the Hawai'i Island Burial Council prior to his current term. Mr. Kaimuloa is a resident of Kailua-Kona, Hawai'i, and has family ties and history to that area since the 1850s. Mr. Kaimuloa possesses cultural knowledge that is invaluable to the Council and is grounded in his experiences as a member of the Royal Order of Kamehameha I, former Trustee for the Kahikolu Congregational Church, and a caretaker of 'Aha 'Umi and Likelike. Mr. Kaimuloa's knowledge and perspective, combined with his interest in protecting the iwi of his ancestors, will assist with the deliberations of the Council. Your Committee finds that Norman Kaimuloa's experience and knowledge will continue to be valuable assets to the Council.

SCOTT MAHONEY

Your Committee received testimony in support of the nomination for the reappointment of Scott Mahoney from the Department of Land and Natural Resources and Office of Hawaiian Affairs.

Mr. Mahoney currently resides at his family's homestead in Waimea, Hawai'i, and traces his Haili 'ohana genealogies to Ka'ū and Kawaihae. Mr. Mahoney has been serving on the Hawai'i Island Burial Council for the past four years. Mr. Mahoney is currently retired but has spent the last twenty years assisting with the removal of unexploded ordnance on the islands of Hawai'i, O'ahu, Moloka'i, and Kaho'olawe. Mr. Mahoney has accompanied many archaeologists on investigative assignments as safety support, while they conducted studies on archaeological resources and burial sites in dangerous areas. Through these experiences, he learned much about why and how to mālama iwi and developed a deep connection to the preservation and protection of iwi kūpuna. Additionally, in his free time, Mr. Mahoney remains actively engaged in various cultural and community organizations, including the Royal Order of Kamehameha I, Kua'āina Ulu 'Auamo and its E Alu Pū Network, the Sovereign Councils of the Hawaiian Home Lands Assembly, and Mālama Kōloa, where he assisted with the restoration and protection of the Hapa Trail. Your Committee finds that Scott Mahoney's knowledge, kuleana, and willingness to continue learning to his candidacy will continue to be valuable assets to the Hawai'i Island Burial Council

CAYLA CRIVELLO

Your Committee received testimony in support of the nomination for the appointment of Cayla Crivello from the Department of Land and Natural Resources.

Ms. Crivello is a resident of Kailua-Kona, Hawai'i. She works as a Cultural Liaison for the Hōkūlia Park and Cultural Sites Association with the mission of preserving and maintaining the burial and archaeological sites within the Hōkūlia development and shoreline park in a manner consistent with approved preservation and maintenance plans. Her position includes maintaining an open and productive relationship among all stakeholders, including homeowners and members of the native Hawaiian community. Her prior employment with the Aha Kahakai Trail Association and the Ka'ūpūlehu Dry Forest Reserve demonstrates her cultural knowledge related to trail preservation, invasive species control and extraction, and education outreach assistance. Your Committee finds that Cayla Crivello's experience and knowledge will be valuable assets to the Hawai'i Island Burial Council.

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. 1010 Hawaiian Affairs on S.C.R. No. 59

The purpose and intent of this measure is to urge the Hawaiian Homes Commission to appropriate one hundred per cent of lease revenues from commercial property uses to homeland lot development.

Your Committee received testimony in support of this measure from Neighborhood Place of Puna. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that more than two thousand native Hawaiian beneficiaries have died while on the Hawaiian homes waiting list for a home land lease, and twenty-eight thousand beneficiaries currently remain on the list, half of which are over the age of sixty. Additionally, the Department of Hawaiian Home Lands recently estimated that to house all beneficiaries on the waitlist, cost projections range between \$4,000,000,000 to \$12,000,000,000 for infrastructure alone. Eliminating the waitlist for the Department of Hawaiian Home Lands has not been made a priority in past and current administrations and the State has an affirmative duty to make sufficient sums available to the Department of Hawaiian Home Lands for its administrative and operative budget. Because the Department of Hawaiian Home Lands has not sought to provide lot development on a trajectory that will extinguish their wait list, reduce the amount of lands for commercial and industrial uses, and aggressively pursue diversification of housing awards, your Committee finds it necessary to urge the Department of Hawaiian Home Lands to appropriate one hundred percent of lease revenue from commercial property uses to homeland lot development.

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 concurs with the intent and purpose of S.C.R. No. 59, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 59, S.D. 1.

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

SCRep. 1011 Hawaiian Affairs on S.R. No. 41

The purpose and intent of this measure is to urge the Hawaiian Homes Commission to appropriate one hundred per cent of lease revenues from commercial property uses to homeland lot development.

Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that more than two thousand native Hawaiian beneficiaries have died while on the Hawaiian homes waiting list for a home land lease, and twenty-eight thousand beneficiaries currently remain on the list, half of which are over the age of sixty. Additionally, the Department of Hawaiian Home Lands recently estimated that to house all beneficiaries on the waitlist, cost projections range between \$4,000,000,000 to \$12,000,000,000 for infrastructure alone. Eliminating the waitlist for the Department of Hawaiian Home Lands has not been made a priority in past and current administrations and the State has an affirmative duty to make sufficient sums available to the Department of Hawaiian Home Lands for its administrative and operative budget. Because the Department of Hawaiian Home Lands has not sought to provide lot development on a trajectory that will extinguish their wait list, reduce the amount of lands for commercial and industrial uses, and aggressively pursue diversification of housing awards, your Committee finds it necessary to urge the Department of Hawaiian Home Lands to appropriate one hundred percent of lease revenue from commercial property uses to homeland lot development.

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 concurs with the intent and purpose of S.R. No. 41, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 41, S.D. 1.

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

SCRep. 1012 Hawaiian Affairs on S.C.R. No. 55

The purpose and intent of this measure is to urge the Department of Land and Natural Resources to adopt administrative rules to streamline the process for allowing traditional Hawaiian farming systems on conservation lands.

Your Committee received testimony in support of this measure from the Aha Moku Advisory Committee, Office of Hawaiian Affairs, and two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources

Your Committee finds that traditional farming systems play a critical role in Hawaii and should be encouraged to promote greater self-sufficiency, crop diversity, and food security. Supporting these farming systems is critical towards helping the State achieve food security and increasing the domestic production of a local food supply. Currently, Native Hawaiian bona fide farmers face challenges in perpetuating traditional Hawaiian farming systems and practices in conservation districts that have sustained our islands since time immemorial. The rules contemplated in this measure, if appropriately tailored, would help to facilitate ecologically compatible and environmentally sustainable traditional Native Hawaiian farming practices and approaches, thereby furthering the State's interest in food self-sufficiency, cultural perpetuation, and economic diversification.

Your Committee has amended this measure by:

- Adding a clause to acknowledge that each petitioner for use of conservation lands should have a generational and traditional kupaaina of the land they are farming or consult with native peoples of that specific ahupuaa to ensure that the crop is compatible with the ecosystem of that place; 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 concurs with the intent and purpose of S.C.R. No. 55, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 55, S.D. 1.

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

SCRep. 1013 Hawaiian Affairs on S.R. No. 37

The purpose and intent of this measure is to urge the Department of Land and Natural Resources to adopt administrative rules to streamline the process for allowing traditional Hawaiian farming systems on conservation lands.

Your Committee received testimony in support of this measure from the Aha Moku Advisory Committee, Office of Hawaiian Affairs, and two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that traditional farming systems play a critical role in Hawaii and should be encouraged to promote greater self-sufficiency, crop diversity, and food security. Supporting these farming systems is critical towards helping the State achieve food security and increasing the domestic production of a local food supply. Currently, Native Hawaiian bona fide farmers face challenges in perpetuating traditional Hawaiian farming systems and practices in conservation districts that have sustained our islands since time immemorial. The rules contemplated in this measure, if appropriately tailored, would help to facilitate ecologically compatible and environmentally sustainable traditional Native Hawaiian farming practices and approaches, thereby furthering the State's interest in food self-sufficiency, cultural perpetuation, and economic diversification.

Your Committee has amended this measure by:

- Adding a clause to acknowledge that each petitioner for use of conservation lands should have a generational and traditional kupaaina of the land they are farming or consult with native peoples of that specific ahupuaa to ensure that the crop is compatible with the ecosystem of that place; 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 concurs with the intent and purpose of S.R. No. 37, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 37, S.D. 1.

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

SCRep. 1014 Hawaiian Affairs on S.C.R. No. 54

The purpose and intent of this measure is to request 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 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 is mandated to fulfill its purpose by providing housing for native Hawaiian beneficiaries. A 2019 Hawaii Housing Planning Study was conducted on behalf of the Hawaii Housing Finance and Development Corporation on the housing needs of Hawaii residents by area median income (income classification), preference for ownership or rental of housing (preferred tenancy), and single- or multi-family unit (unit type) per county, but did not specifically include the housing needs of Hawaiian homes beneficiaries. Therefore, your Committee believes that the Department of Hawaiian Home Lands should perform 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, categorized by income classification and preferred unit type.

Your Committee has amended this measure by:

(1) Clarifying that fewer than ten thousand homesteads have been resettled;

- (2) Providing that the data requested is for the needed housing units by income classification broken down for the counties and State from 2021-2025; 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 concurs with the intent and purpose of S.C.R. No. 54, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 54, S.D. 1.

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

SCRep. 1015 Hawaiian Affairs on S.R. No. 36

The purpose and intent of this measure is to request 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 comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that the Department of Hawaiian Home Lands is mandated to fulfill its purpose by providing housing for native Hawaiian beneficiaries. A 2019 Hawaii Housing Planning Study was conducted on behalf of the Hawaii Housing Finance and Development Corporation on the housing needs of Hawaii residents by area median income (income classification), preference for ownership or rental of housing (preferred tenancy), and single- or multi-family unit (unit type) per county, but did not specifically include the housing needs of Hawaiian homes beneficiaries. Therefore, your Committee believes that the Department of Hawaiian Home Lands should perform 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, categorized by income classification and preferred unit type.

Your Committee has amended this measure by:

- (1) Clarifying that fewer than ten thousand homesteads have been resettled;
- (2) Providing that the data requested is for the needed housing units by income classification broken down for the counties and State from 2021-2025; 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 concurs with the intent and purpose of S.R. No. 36, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 36, S.D. 1.

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

SCRep. 1016 Hawaiian Affairs on S.C.R. No. 30

The purpose and intent of this measure is to request the Department of Hawaiian Home Lands to provide a progress report regarding the development of the Ka'ū water system.

Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that Act 49, Session Laws of Hawaii 2017, allocated \$1,500,000 in general obligation bonds for the plans, designs, and construction for the development of the Ka'ū water system. The Hawaiian Homes Commission also approved \$500,000 for construction of the project. Phase 1 of the project will provide for the design and construction of a one hundred-thousand-gallon water storage tank and appurtenances on Hawaiian home lands to comply with safe drinking water standards. Specifically, Phase 1A will provide for the design and construction of four pressure reducing valve stations with repair and replacement work to amount to \$500,000. Construction bids opened in May 2020 with a construction cost of \$2,700,000. The Department of Hawaiian Home Lands invited twenty-five pastoral lessees to discuss water needs for each lot and supplemental water availability. The county of Hawaii will maintain and operate the water tank. The Department of Hawaiian Home Lands estimates this project will go out to bid in the summer 2021.

Your Committee further finds that it is expected that Phase 2 of the project will include designs to relocate existing waterline from within lots to South Point Road right-of-way, install new water meters, provide fire protection, and subdivide twenty-five pastoral lots at an estimated cost of subdivision and construction of \$15,000,000. The Department of Hawaiian Home Lands' sufficient sums request submitted to this body included \$5,000,000 for the Ka'ū water system for design and construction.

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 concurs with the intent and purpose of S.C.R. No. 30, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 30, S.D. 1.

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

SCRep. 1017 Hawaiian Affairs on S.R. No. 19

The purpose and intent of this measure is to request the Department of Hawaiian Home Lands to provide a progress report regarding the development of the Ka'ū water system.

Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that Act 49, Session Laws of Hawaii 2017, allocated \$1,500,000 in general obligation bonds for the plans, designs, and construction for the development of the Ka'ū water system. The Hawaiian Homes Commission also approved \$500,000 for construction of the project. Phase 1 of the project will provide for the design and construction of a one hundred-thousand-gallon water storage tank and appurtenances on Hawaiian home lands to comply with safe drinking water standards. Specifically, Phase 1A will provide for the design and construction of four pressure reducing valve stations with repair and replacement work to amount to \$500,000. Construction bids opened in May 2020 with a construction cost of \$2,700,000. The Department of Hawaiian Home Lands invited twenty-five pastoral lessees to discuss water needs for each lot and supplemental water availability. The county of Hawaii will maintain and operate the water tank. The Department of Hawaiian Home Lands estimates this project will go out to bid in the summer 2021.

Your Committee further finds that it is expected that Phase 2 of the project will include designs to relocate existing waterline from within lots to South Point Road right-of-way, install new water meters, provide fire protection, and subdivide twenty-five pastoral lots at an estimated cost of subdivision and construction of \$15,000,000. The Department of Hawaiian Home Lands' sufficient sums request submitted to this body included \$5,000,000 for the Ka'ū water system for design and construction.

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 concurs with the intent and purpose of S.R. No. 19, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 19, S.D. 1.

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

SCRep. 1018 Commerce and Consumer Protection on H.B. No. 149

The purpose and intent of this measure is to clarify that cards issued by a county for the purposes of paying transit fares and county fees and other uses are not subject to the State's unfair and deceptive practices 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.

Your Committee finds that, like many other large cities, Honolulu has adopted a smart card, or HOLO Card, for public transit passengers to pay fares on TheBus and TheHandi-Van. The HOLO Card can be registered and reloaded to hold a dollar value, eliminating the need to purchase daily and monthly bus passes, and may be programmed for discounted users like youth and seniors. Further, the HOLO Card will be the sole form of fare payment on rail. Certain requirements in existing law for private businesses and retailers concerning gift certificates are not necessarily applicable to the HOLO Cards, and this measure provides clarification to support county-issued and county-managed cards, especially with regard to unspent value and redemption of cash balances, to support the administration of the smart card program.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 149, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 149, 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. Noes, none. Excused, none.

SCRep. 1019 Commerce and Consumer Protection on H.B. No. 943

The purpose and intent of this measure is to establish provisions concerning nondepository trust companies, including powers and duties, yearly assessment calculations, and paid-in-capital and surplus requirements.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that there is a growing "gap" group of consumers in Hawaii who need assistance managing their assets but do not meet the customer criteria for asset management services by banks or large investment firms, as their home may be their primary source of wealth. These consumers include kupuna, individuals who have a mental or physical impairment, individuals who are a ward of the State, or those who otherwise do not have a qualified or trusted family member or friend to help them manage their finances. Nondepository trust companies serve as fiduciaries in the administration and management of assets and operate similarly to a bank trust department, but do not take deposits or make loans. This measure will enable nondepository trust companies to serve this "gap" group of consumers and establishes the appropriate fee structure based on the fiduciary activity and risk profile of nondepository trust companies.

Your Committee has amended this measure by:

- (1) Inserting language authorizing the Department of Commerce and Consumer Affairs Division of Financial Institutions to expend \$4,000 of the fees collected to administer the nondepository trust company program established by this measure;
- (2) Inserting an effective date of July 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 943, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 943, 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. Noes, none. Excused, none.

SCRep. 1020 Commerce and Consumer Protection on H.B. No. 941

The purpose and intent of this measure is to allow the Public Utilities Commission to use electronic filing processes and similar practices.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Public Utilities Commission, and Hawaiian Electric Company. Your Committee received comments on this measure from the Disability and Communications Access Board.

Your Committee finds that existing state law requires parties to provide both hard copies and electronic copies when filing documents with the Public Utilities Commission (Commission). Prior to the coronavirus disease 2019 (COVID-19) pandemic, over ninety-five percent of the Commission's docketed filings were on paper and were received either in-person or via mail. Filings to the Commission are often very lengthy, sometimes exceeding ten thousand pages and filling up to ten to fifteen boxes in their hardcopy forms. Certain emergency orders issued by the Governor as a result of the COVID-19 pandemic enabled the Commission to allow for all-electronic filings, which has proven to be successful and saved utility companies considerable time and administrative costs. This measure codifies this modernized practice to enable the Commission to receive one hundred percent of its docketed filings through electronic means to allow the Commission to conduct business safely and more efficiently.

Your Committee has amended this measure by:

- Inserting language requiring the Public Utilities Commission to conform its electronically filed documents and its electronic
 filing processes to comply with the Americans with Disabilities Act and all existing federal laws and regulations to ensure
 equal access for individuals with disabilities;
- (2) Inserting an effective date of January 1, 2022; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 941, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 941, 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. Noes, none. Excused, none.

SCRep. 1021 Commerce and Consumer Protection on H.B. No. 352

The purpose and intent of this measure is to:

- Clarify that the secondhand dealers law applies to a secondhand dealer's operation of an automated recycling kiosk that only
 accepts handheld electronic devices for recycling; and
- (2) Specify the retention requirements for secondhand dealers that operate an automated recycling kiosk.

Your Committee received testimony in support of this measure from Retail Merchants of Hawaii and EcoATM-Gazelle. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Police Department, Hawaii Pawnbrokers Association, and Kamaaina Loan.

Your Committee finds that rapid changes in technology have increased access to handheld cellular phone devices that can quickly depreciate in value, and with a lack of solutions available to address the environmental damage caused by improper disposal, consumers ultimately end up accumulating and storing unused devices around their homes. Automated recycling kiosks, which enable a person to recycle their unused handheld electronic devices, are in operation across the United States and Europe and have helped divert approximately seven million pounds of electronic waste from local landfills at no cost to consumers or government agencies. To deter the re-sale of potentially stolen goods, existing law mandates lengthy in-county storage of purchased items, a provision that would create costly and logistical challenges to the storage space within an automated recycling kiosk. Your Committee further finds that every other state in the country has adopted legislation to recognize the use of automated recycling kiosks and this measure will enable automated recycling kiosks to operate in Hawaii to allow for secure storage of items off-site during the extended holding period.

Your Committee notes that the companion to this measure, S.B. No. 925, S.D. 2, which was previously passed by the Senate, incorporates important language that would require automated recycling kiosks to be remotely opened upon request by law enforcement during normal business hours and electronically transmit transaction records to law enforcement within twenty-four hours from when a device is received by the kiosk. Additionally, S.B. No. 925, S.D. 2, requires a secondhand dealer operating an automated

recycling kiosk to retain devices for a total period of thirty calendar days. The language in S.B. No. 925, S.D. 2, is therefore preferable because it provides these additional safeguards.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 925, S.D. 2, a substantively similar measure, which defines "automated recycling kiosk" as an interactive device that performs certain technological functions, including the ability to be remotely opened upon request by law enforcement during normal business hours and electronically transmit transaction records to law enforcement within twenty-four hours of receipt of the device;
- (2) Clarifying that a secondhand dealer operating an automated recycling kiosk shall retain previously owned consumer handheld electronic cellular phone devices for a total period of thirty calendar days from the date they were received or purchased, provided that the secondhand dealer operating an automated recycling kiosk may store the devices outside the county where the devices were received or purchased, and provided further that upon request by law enforcement within the thirty-day retention period, a secondhand dealer operating an automated recycling kiosk shall promptly return any requested device no later than five business days from the date of the request at no cost to the requesting law enforcement agency;
- (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 record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 352, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 352, 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. 1022 Hawaiian Affairs on H.B. No. 204

The purpose and intent of this measure is to appropriate funds for the operating expenses of the Office of Hawaiian Affairs (OHA).

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaiian Affairs Caucus of the Democratic Party of Hawaiii, Hawaii Appleseed Center for Law and Economic Justice, Kūpuna for the Moʻopuna, and eighteen individuals.

Your Committee finds that OHA is a semi-autonomous state agency, established by article XII, section 4, and article XI, section 5, of the Hawaii State Constitution and chapter 10, Hawaii Revised Statutes, that is responsible for improving the well-being of native Hawaiians and Hawaiians. This measure appropriates funds for OHA's operating budget in support of plans for the upcoming biennium and is vital to fulfilling its mandates. Your Committee further finds that for every dollar of state funds provided, OHA matches these general funds with trust funds, community funds, and additional OHA funds. Thus for every dollar of state general funds expended, there is a total impact of \$2.84. OHA is considering opportunities to lessen the burden on community partners by reducing the cash-match requirement for grants during the coronavirus disease 2019 pandemic.

Your Committee has amended this measure by inserting a blank dollar amount for all appropriations of general funds and trust funds.

Your Committee notes that although the appropriations are blank, the Office of Hawaiian Affairs' testimony requests an appropriation of the following sums:

- \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 for referral services and case management to at-risk Office of Hawaiian Affairs beneficiaries for financial assistance to improve stability during emergency situations;
- (2) \$615,000 in general funds and \$615,000 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 for educational improvement programs for native Hawaiian students; and
- (3) \$524,400 in general funds and \$524,400 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 to provide for legal services and legal representation.

Your Committee's intent in recommending this measure for passage is for the adjustments requested to be incorporated into the General Appropriations Act of 2022, or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests that your Committee on Ways and Means strongly consider incorporating 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 Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 204, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 204, 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. 1023 Hawaiian Affairs on H.B. No. 776

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, on Hawaiian home lands for housing development, energy development systems, agricultural development, infrastructure development, and agriculture and processing enterprises.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands; Hawaiian Affairs Caucus of the Democratic Party of Hawai'i; Pueo Development, LLC; Waiohuli Hawaiian Homesteaders Association, Inc.; and three individuals. Your Committee received comments on this measure from the Department of Budget and Finance and Department of the Attorney General.

Your Committee finds that on December 3, 2018, the Waihouli Hawaiian Homestead Association, Inc. submitted a land use request to the Department of Hawaiian Home Lands with a proposed master plan on approximately one hundred fifty acres for due diligence studies, including a project master plan, related chapter 343, Hawaii Revised Statutes, compliance requirements, and chapter 6E, Hawaii Revised Statutes, compliance requirements. The proposed master plan includes the development of residential and agricultural lots, economic and educational opportunities, energy projects, and water source development through collaboration and partnerships for career development and employment opportunities. On May 30, 2019, a beneficiary consultation meeting was conducted to collect beneficiary input and feedback on the land use request. In July 2019, a beneficiary consultation report was submitted to the Hawaiian Homes Commission who voted to approve the issuance of a Right of Entry permit to conduct the necessary due diligence and project feasibility. On January 7, 2020, Right of Entry permit #688 was issued to the Waiohuli Hawaiian Homesteaders Association, Inc.

Your Committee has amended this measure by:

- (1) Changing the authorized amount of the special purpose revenue bonds from \$80,000,000 to an unspecified sum; and
- (2) Deleting references of issuances of special purpose revenue bonds pursuant to part IX of chapter 39A, Hawaii Revised Statutes.

Your Committee notes that although the appropriations are blank, the Waihoulu Hawaiian Homesteaders Association, Inc.'s testimony requests an appropriation of \$80,000,000 for a special purpose revenue bond.

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. 776, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 776, 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, 5. Noes, none. Excused, none.

SCRep. 1024 Judiciary on H.B. No. 189

The purpose and intent of this measure is to authorize the Chief Justice of the Hawaii Supreme Court to designate Circuit Court Judges, retired Intermediate Appellate Judges, or retired Supreme Court Justices to temporarily fill a vacancy on the Intermediate Court of Appeals.

Your Committee received testimony in support of this measure from the Judiciary, Hawaii State Bar Association Appellate Section, and a petition signed by four individuals.

Your Committee finds that the Intermediate Court of Appeals was established in 1979 and originally consisted of a chief judge and two associate judges. Your Committee further finds that the Legislature has since doubled the size of the Intermediate Court of Appeals to six judges. Existing law requires the Intermediate Court of Appeals to decide cases in panels of no less than three judges, and only allows the Chief Justice of the Hawaii Supreme Court to designate temporary judges when the number of available intermediate appellate judges is insufficient to make up a panel because of vacancy or disqualification. Your Committee additionally finds that the Intermediate Court of Appeals has a significant and complex caseload, and that this measure will better enable to effectively and timely decide appeals with greater flexibility and the opportunity to address temporary vacancies on the 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 H.B. No. 189, 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. 1025 Hawaiian Affairs on H.B. No. 1122

The purpose and intent of this measure is to:

- (1) Define "beneficiary consultation";
- (2) Prohibit 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 to the use and occupancy of a tract of Hawaiian home lands;
- (3) Require the Department of Hawaiian Home Lands to notify beneficiaries through beneficiary consultation prior to the disposition of Hawaiian home lands;
- (4) Prohibit the Department of Hawaiian Home Lands from establishing additional criteria to enter into a general lease with an applicant without notifying beneficiaries;
- (5) Specify that the Department of Hawaiian Home Lands may grant a license or enter into a general lease with an applicant, under certain conditions;
- (6) Allocate the interest or earnings from the Hawaiian home loan fund and Hawaiian home general loan fund into their respective funds, under certain conditions:
- (7) Require the Department of Hawaiian Home Lands to submit a quarterly report to the Legislature and beneficiaries; and

(8) Authorize 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.

Your Committee received testimony in support of this measure from Kūpuna for the Moʻopuna and the Sovereign Council of Hawaiian Homestead Associations. Your Committee received testimony in opposition of this measure from one individual. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee notes that title 43 Code of Federal Regulations part 48, as amended, outlines the process for amendments to the Hawaiian Homes Commission Act and whether or not Congressional approval is necessary. Your Committee strongly believes that this measure does not require Congressional approval.

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. 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. Additionally, your Committee finds that the Department of Hawaiian Home Lands does not receive sufficient funding to develop house lots for all applicants on the waiting list nor reduce the waiting list by ninety percent over the next decade, leading to a lack of access resources for beneficiaries.

Your Committee finds that the reforms proposed in this measure have the potential to provide access to private capital for beneficiaries of the Department of Hawaiian Home Lands; revolve interest earnings to deploy capital to farms, ranches, and businesses on homesteads; and make significant strides to alleviate the waitlist. The Department of Hawaiian Home Lands has been inconsistent with their approach of beneficiary consultation and this measure seeks to provide increased guidance and stability to formally define beneficiary consultation and to articulate the best practices of its use to maximize success by the agency, especially when triggered by land dispositions to a non-beneficiary, creating additional qualifying criteria by waitlist beneficiaries, and moving of interest earnings out of the loan fund trust account. Your Committee additionally finds that Community Benefits Agreements ensure that non-beneficiary corporate entities and individuals are directly engaged with homestead beneficiary associations in advancing social and economic services in and around the homestead areas. Further, your Committee finds that clarifications are needed to ensure that lands may not be disposed of to the public if there are individuals that are on the waitlist. If lands are not suited for homesteading purposes, there are sections of the Hawaiian Homes Commission Act and complimentary federal regulations that establish processes for the State to sell or exchange lands.

Your Committee notes the concerns of the Department of Hawaiian Home Lands, including:

- (1) The unnecessary need for an additional definition of "beneficiary consultation";
- (2) Concerns surrounding the proposal and elevation of the interest of lessees and homestead associations over the interests of applicants on the waitlist and Hawaiian Homes Commission Act Beneficiary Associations;
- (3) Conflicting provisions surrounding establishing additional criteria to enter into leases with applicants;
- (4) The unnecessary need for the allocation of the interest or other earnings from the Hawaiian home loan fund and Hawaiian home general funds into their respective funds; and
- (5) The unnecessary need for the Department of Hawaiian Home Lands to negotiate with homestead association-governed water agencies to maintain water systems prior to other service providers since the Department already has an agreement in place with regard to water maintenance.

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 H.B. No. 1122, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1122, 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, 5; Ayes with Reservations (Keohokalole). Noes, none. Excused, none.

SCRep. 1026 Hawaiian Affairs on H.B. No. 1124

The purpose and intent of this measure is to amend the Hawaiian Homes Commission Act to:

- (1) Require appraisals of mortgages and improvements to identify the replacement cost or the leasehold market value;
- (2) Grant authority to the Department of Hawaiian Home Lands to authorize second position loans on homestead leases by approved lenders;
- (3) 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
- (4) Require the Department of Hawaiian Home Lands to develop and implement a loan servicing manual, subject to Commission approval, to standardize loan loss mitigation policies, procedures, and methods.

Your Committee received testimony in support of this measure from the Kūpuna for the Moʻopuna and Sovereign Council of Hawaiian Homestead Associations. Your Committee received testimony in opposition of this measure from one individual. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee notes that title 43 Code of Federal Regulations part 48, as amended, outlines the process for amendments to the Hawaiian Homes Commission Act and whether Congressional approval is necessary. Your Committee is of the opinion that this measure does not require Congressional approval.

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. Additionally, your Committee finds that the Department of Hawaiian Home Lands does not receive sufficient funding to develop house lots for all applicants on the waiting list, nor to reduce the waiting list by ninety percent over the next decade, leading to a lack of access resources for beneficiaries.

Your Committee finds that the reforms proposed in this measure have the potential of providing access to private capital to beneficiaries of the Department of Hawaiian Home Lands, revolve interest earnings to deploy capital to farms, ranches, and businesses on homesteads, and make significant strides to alleviate the waitlist. Your Committee further finds that these clarifications seek to provide parity to residents where access to capital from owned equity in an owned asset is available to native Hawaiian families, especially where redlining has been historically used to deny capital and financial information to certain citizens, leading to a loss of homes, business assets, and even the unnecessary houselessness and families. This measure improves 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 Committee has heard the concerns of the Department of Hawaiian Home Lands that:

- (1) The Department of Hawaiian Home Lands homestead leases refer to the lessee's right to exclusive use and possession of a tract of Department of Hawaiian Home Lands land for a term of years and can only be owned by qualified beneficiaries, thereby, limiting the market for leaseholds; therefore, requiring appraisals of the Department of Hawaiian Home Lands leaseholds may put private lenders and federal agencies at odds with the requirements of the Hawaiian Homes Commission Act and their underwriting requirements and may lead to financial burdens to successors of Hawaiian home leases;
- (2) The proposed amendments to section 210 of the Hawaiian Homes Commission Act to prohibit lease cancellation based solely on a loan delinquency or default, unless all loan servicing procedures identified in the loan servicing manual have been exhausted, fails to consider the extensive lease cancellation process established with the Hawaiian Homes Commission; and
- (3) Authorizing second position loans could require additional sources of loan financing to existing lessees while nearly three times that number are awaiting a lease and financing for their homestead award.

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 H.B. No. 1124, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1124, 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, 5. Noes, none. Excused, none.

SCRep. 1027 Transportation on H.B. No. 766

The purpose and intent of this measure is to authorize the Department of Transportation to assess and collect impact fees for the repair of unsafe privately-owned roadways that are widely used by the general public and that connect to a state highway.

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 due to the tropical climate and proximity to the ocean, roadways in Hawaii require constant maintenance and repair. There are privately-owned roadways in the State that are frequently used by the general public that connect to a state highway and that require repair and maintenance. However, since they are privately owned, they are outside the purview of the Department of Transportation. This measure will authorize the Department of Transportation to assess an impact fee and use those funds to repair and maintain privately-owned roadways that connect to a state highway that are frequently used by the general public and that pose a substantial danger to the public due to their deteriorating condition. This measure will make the roads safer for all drivers in Hawaii

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 H.B. No. 766, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 766, 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, 5. Noes, none. Excused, none.

SCRep. 1028 Transportation on H.B. No. 1056

The purpose and intent of this measure is to provide the Department of Transportation with greater authority over the motor carrier vehicle safety inspection program.

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

Your Committee finds that the current methods and procedures of the state motor vehicle safety inspection program are inefficient. Any time a change needs to be made to the program, the Department of Transportation must go to the Legislature and request a statutory change. This measure will make the Department of Transportation much more efficient by empowering the Director of Transportation to make administrative changes without the requirement of statutory amendments.

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. 1056, H.D. 1, and recommends that it pass Second Reading and be referred to your Committees on Commerce and Consumer Protection and Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1029 Transportation on H.B. No. 161

The purpose and intent of this measure is to allow the counties to require payment of outstanding charges or fees owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle.

Your Committee received testimony in support of this measure from the Kauai County Department of Finance, Maui County Department of Environmental Management, Office of the Mayor of Maui County, Kauai Police Department Patrol Services Bureau, Hawaii State Association of Counties, one member of the Maui County Council, and two individuals. Your Committee received comments on this measure from Enterprise Holdings.

Your Committee finds that the counties expend a great deal of resources to tow and dispose of abandoned or derelict vehicles. Existing law only allows for the counties to charge the towing fee for these vehicles to the registered owners, and only when the vehicles are claimed. Frequently, these abandoned or derelict vehicles are not claimed, leaving the counties with no recourse to recoup their costs for the towing and disposal of the vehicles. This measure will provide counties the ability to recoup costs for towing and disposing of abandoned and derelict vehicles.

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. 161, H.D. 2, 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. 1030 Transportation on H.B. No. 1059

The purpose and intent of this measure is to repeal the following sections of the Hawaii Revised Statutes:

- (1) Section 264-19, Hawaii Revised Statutes, relating to the transportation improvement special fund;
- (2) Section 266-2.3, Hawaii Revised Statutes, relating to Kewalo Basin and Honolulu Harbor use permits; and
- (3) Section 266-22, Hawaii Revised Statutes, relating to the maintenance of a fire boat.

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

Your Committee finds that the Hawaii Revised Statutes sections being repealed by this measure are obsolete or unnecessary. There are no funds remaining in the transportation improvement special fund and all improvements have been completed. Therefore, section 264-19, Hawaii Revised Statutes, is obsolete. Additionally, Kewalo Basin is managed by the Howard Hughes Corporation and is under the purview of the Hawaii Community Development Authority, not the Department of Transportation. Thus, the statute should reflect that shared permitting and expense items are wholly within the Hawaii Community Development Authority, making section 266-2.3, Hawaii Revised Statutes, unnecessary. Further, the City and County of Honolulu sold the fire boat in 2014, which makes section 266-22, Hawaii Revised Statutes, out of date, obsolete, and unnecessary.

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. 1059, 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, 5. Noes, none. Excused, none.

SCRep. 1031 (Majority) Transportation on H.B. No. 485

The purpose and intent of this measure is to increase the rental motor vehicle surcharge tax from \$5 per day to an unspecified amount.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual. Your Committee received testimony in opposition to this measure from the Avis Budget Group and Enterprise Holdings. Your Committee received comments on this measure from the Department of Taxation, Grassroot Institute of Hawaii, and Tax Foundation of Hawaii.

Your Committee finds that the rental motor vehicle surcharge tax is used to fund highway construction projects and maintain and repair roadways in Hawaii. This measure will increase the rental motor vehicle surcharge tax from \$5 per day to an unspecified amount, which will provide more money to the State to repair and maintain our roads and highways.

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. 485, 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, 1 (Inouye). Excused, none.

SCRep. 1032 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 508

The purpose and intent of this measure is to increase the fines associated with the illegal use of consumer fireworks and display fireworks, articles pyrotechnic, and aerial devices outside of the times permitted by law.

Your Committee received testimony in support of this measure from the Department of Health, State Fire Council, Hawaiian Humane Society, and four individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that, despite the potential for fines and arrest for the illegal use of fireworks, individuals continue to break the law concerning the lawful use of fireworks. Your Committee further finds that eighty per cent of fines collected by courts for violations of the Fireworks Control Law is required to be allocated to the counties for purposes of law enforcement, while twenty percent is allocated to the State. By increasing these fines, the police departments may have greater incentive to enforce those laws.

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. 508, 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, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1033 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 572

The purpose and intent of this measure is to:

- (1) Specify that the Hawaii Emergency Management Agency is an administratively attached agency to, rather than established within, the Department of Defense;
- (2) Specify that the Administrator of Emergency Management shall serve as the Director of Hawaii Emergency Management and require the Administrator to report directly to the Governor; and
- (3) Require the current Administrator of Emergency Management to serve until such time that the Governor appoints another Administrator.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawaii Emergency Management Agency.

Your Committee finds that under existing law, the Administrator of Emergency Management is appointed by the Director of Hawaii Emergency Management, who is the Adjutant General. Your Committee believes that given the importance of the responsibility of the Administrator of Emergency Management and their role in protecting the State and its residents, particularly during the coronavirus disease 2019 pandemic, the Governor is the more appropriate appointing authority.

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. 572, 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 (Riviere).

SCRep. 1034 Commerce and Consumer Protection on H.B. No. 1086

The purpose and intent of this measure is to:

- (1) Provide veterinarians who render emergency care to an animal immunity from civil liability in the absence of gross negligence;
- (2) Provide veterinarians who render emergency treatment when there is no veterinarian-client-patient relationship immunity from civil liability in the absence of gross negligence; and
- (3) Require veterinarians to report events of animal injury, death, or abuse to law enforcement where there is reasonable cause to believe that it relates to dogfighting or animal abuse and gives veterinarians immunity for civil liability for making the reports.

Your Committee received testimony in support of this measure from the Hawaii Board of Veterinary Medicine, Hawaiian Humane Society, Pono Advocacy, Hawaii Veterinary Medical Association, Hawaii Association of Animal Welfare Agencies, Humane Society Veterinary Medical Association, and thirty-one individuals.

Your Committee finds that, under existing law, veterinarians are mandated to provide care under a valid and current veterinarianclient-patient relationship, so confusion can sometimes arise when dealing with an animal emergency where there is no owner present or life-saving treatment is needed before a relationship can be established. This measure allows a veterinarian to be a "good Samaritan" and provide emergency care outside of a valid veterinarian-client-patient relationship, while also protecting against civil liability when acting in this role in an emergency. This measure also makes animal abuse reporting a duty of the veterinarian, relieving any responsibility of discretionary action by the veterinarian while protecting the veterinarian against any civil liability as a result of the reporting. Veterinarians are often the only witness to animal abuse and they are uniquely qualified to identify the signs of cruelty. This requirement will benefit the community at large, as multiple studies have shown a link between perpetrators of animal abuse and domestic or child abuse, and other acts of violence.

Your Committee has amended this measure by:

- (1) Inserting an effective date of upon 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1086, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1086, 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. 1035 Agriculture and Environment on S.C.R. No. 44

The purpose and intent of this measure is to declare a climate emergency and request statewide collaboration toward an immediate and just transition in emergency mobilization efforts to restore a safe climate.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Office of Planning, one member of the Maui County Council, two members of the Hawaii County Council, City and County of Honolulu Board of Water Supply, Facing Future, Hawai'i Youth Climate Coalition, Foresight and Policy Analysis, The Climate Mobilization, Pele Lani Farm LLC, Surfrider Foundation's Kona Kai Ea Chapter, Circlepack Hawaii, Think B.I.G., Kauai Climate Action Coalition, Environmental Caucus of the Democratic Party of Hawai'i, Hawaii Electric Vehicle Association, Citizens' Climate Lobby Hawaii, Our Revolution Hawaii, Big Island Electric Vehicle Association, 350Hawaii.org, Zero Waste Kaua'i, Surfrider Foundation Hawai'i Region, Hawai'i Reef Ocean Coalition, Mālama Kaua'i, Community Coalition Kaua'i, Pono Hawai'i Initiative, Hawai'i Alliance for Progressive Action, HI Strikes Back, Kaua'i Women's Caucus, Surfrider Foundation Kaua'i, Faith Action for Community Equity Environmental Justice Task Force, Climate Protectors Hawaii, and fifty-eight individuals. Your Committee received comments on this measure from Hawaiian Electric Company.

Your Committee finds that the climate crisis, caused primarily by fossil fuels, poses an existential threat to every aspect of society. The United Nations has declared this 2020-2030 decade as the "Decade of Action" to achieve the 2030 Sustainable Development Goals in alignment with the goals of the United Nations' Paris Agreement. A statewide declaration will amplify the commitments made by Maui County (Resolution No. 19-209) and Hawaii County (Resolution No. 322-19) and will allow Hawaii to join over one thousand nine hundred governments worldwide who have already declared climate emergencies.

Your Committee further finds that warming temperatures have caused destructive wildfires, stronger hurricanes, worsening droughts, floods, and coastal erosion from the rising sea levels. The climate crisis has been linked to the spread of disease, the destabilization of food and water security, and the unraveling of natural ecosystems, global warming causes billions in damages to the United States economy. The harms from fossil fuel extraction and climate disruption fall first and worst on communities with underrepresented, low-wealth, and frontline communities, especially for communities of color. Your Committee further finds that the overwhelming scientific consensus has concluded that without immediate and rapid emissions reductions, warming will exceed 1.5 degrees Celsius and will result in catastrophic damage, threatening the lives, health and safety, livelihood, the environment, economy, and national security for present and future generations.

Additionally, your Committee finds that climate mitigation and adaptation efforts grounded in equity, self-determination, and culture, including a statewide commitment to a just transition toward a decarbonized economy, a prohibition against fossil fuel infrastructure projects, and investment in energy efficient infrastructure and technologies are necessary to combat the climate crisis.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 44, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 44, S.D. 1.

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

SCRep. 1036 Agriculture and Environment on S.R. No. 30

The purpose and intent of this measure is to declare a climate emergency and request statewide collaboration toward an immediate and just transition in emergency mobilization efforts to restore a safe climate.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office; one member of the Maui County Council; one member of the Hawai'i County Council; Facing Future; Hawai'i Youth Climate Coalition; Foresight and Policy Analysis; The Climate Mobilization; Pele Lani Farm LLC; Circlepack Hawaii; Kauai Climate Action Coalition; Environmental Caucus of the Democratic Party of Hawai'i; Hawaii Electric Vehicle Association; Citizens' Climate Lobby Hawaii; Our Revolution Hawaii; Big Island Electric Vehicle Association; 350Hawaii.org; Surfrider Foundation Hawai'i Region; Zero Waste Kaua'i; Hawai'i Reef & Ocean Coalition; Mālama Kaua'i; Pono Hawai'i Initiative; Community Coalition Kaua'i; Pono Hawai'i Initiative; Hawai'i Alliance for Progressive Action; HI Strikes Back; Kaua'i Women's Caucus; Surfrider Foundation Kaua'i; Faith Action for Community Equity Environmental Justice Task Force; and forty-five individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the climate crisis, caused primarily by fossil fuels, poses an existential threat to every aspect of society. The United Nations has declared this 2020-2030 decade as the "Decade of Action" to achieve the 2030 Sustainable Development Goals in alignment with the goals of the United Nations' Paris Agreement. A statewide declaration will amplify the commitments made by Maui County (Resolution No. 19-209) and Hawaii County (Resolution No. 322-19) and will allow Hawaii to join over one thousand nine hundred governments worldwide who have already declared climate emergencies.

Your Committee further finds that warming temperatures have caused destructive wildfires, stronger hurricanes, worsening droughts, floods, and coastal erosion from the rising sea levels. The climate crisis has been linked to the spread of disease, the destabilization of food and water security, and the unraveling of natural ecosystems, global warming causes billions in damages to the United States economy. The harms from fossil fuel extraction and climate disruption fall first and worst on communities with underrepresented, low-wealth, and frontline communities, especially for communities of color. Your Committee further finds that the overwhelming scientific consensus has concluded that without immediate and rapid emissions reductions, warming will exceed 1.5 degrees Celsius and will result in catastrophic damage, threatening the lives, health and safety, livelihood, the environment, economy, and national security for present and future generations.

Additionally, your Committee finds that climate mitigation and adaptation efforts grounded in equity, self-determination, and culture, including a statewide commitment to a just transition toward a decarbonized economy, a prohibition against fossil fuel infrastructure projects, and investment in energy efficient infrastructure and technologies are necessary to combat the climate crisis.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 30, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 30, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1037 Agriculture and Environment on S.C.R. No. 46

The purpose and intent of this measure is to request the Department of Agriculture to establish a Kona area agricultural working group to promote agriculture, economic development, and housing.

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

Your Committee finds that currently in the Kona area, 1,800,000 gallons of potential irrigation water will continue to be wasted daily for the lack of transmission infrastructure; the Keahole Agricultural Park that was intended to combine and concentrate agricultural activities for the purpose of production and distribution still remains a relatively minor player in Hawaii island's economy; farmers continue to be frustrated by the lack of available land, high costs of irrigation, and the inability to live where they farm; beneficiaries of the Department of Hawaiian Home Lands will continue to be denied access to lands for residential and agricultural usage; and a substantial amount of state land will continue to remain unproductive. Therefore, your Committee finds it necessary to establish a working group where state agencies explore optimizing opportunities in the areas of agriculture, economic development, and housing.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 46, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 46, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1038 Agriculture and Environment on S.R. No. 31

The purpose and intent of this measure is to request the Department of Agriculture to establish a Kona area agricultural working group to promote agriculture, economic development, and housing.

Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that currently in the Kona area, 1,800,000 gallons of potential irrigation water will continue to be wasted daily for the lack of transmission infrastructure; the Keahole Agricultural Park that was intended to combine and concentrate agricultural activities for the purpose of production and distribution still remains a relatively minor player in Hawaii island's economy; farmers continue to be frustrated by the lack of available land, high costs of irrigation, and the inability to live where they farm; beneficiaries of the Department of Hawaiian Home Lands will continue to be denied access to lands for residential and agricultural usage; and a substantial amount of state land will continue to remain unproductive. Therefore, your Committee finds it necessary to establish a working group where state agencies explore optimizing opportunities in the areas of agriculture, economic development, and housing.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 31, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 31, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1039 Agriculture and Environment on S.C.R. No. 61

The purpose and intent of this measure is to reaffirm the State's commitment to combat climate change and prioritize climate change legislation.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Americans for Democratic Action; Environmental Caucus of the Democratic Party of Hawai'; Climate Protectors Hawaii; and one individual. Your Committee received comments on this measure from the Office of Planning and Life of the Land.

Your Committee finds that climate change and sea level rise are not only real phenomena but are also two of the most preeminent challenges of the twenty-first century and are pivotal issues for the State. The Intergovernmental Panel on Climate Change has projected up to 3.2 feet of global sea level rise by the end of this century, which could cause up to \$19,000,000,000 in damage. Your Committee also finds that the State shall continue its commitment to set ambitious goals for carbon sequestration, decreased greenhouse gas emissions, and decreased dependence on imported fuels, as the State seeks to obtain one hundred percent of its electricity by 2045 from renewable sources. Your Committee further recognizes the importance of climate literacy and ecological restoration to promote increased public awareness of the climate crisis and the affirmative effort to restore native plants and animals in their local habitats

Therefore, due to the ecological, economical, health, and security threats posed by the climate crisis, your Committee believes it is necessary to reaffirm its commitment to combat the climate crisis and prioritize climate change legislation that reduces greenhouse gas emissions as laid out in the framework of the 2016 Paris Climate Accord.

Your Committee has amended this measure by:

- Clarifying previously prioritized climate change adaptation actions codified through section 226-109, Hawaii Revised Statutes, as part of the Hawaii State Planning Act;
- (2) Revising the referenced amounts for the final approved fiscal year 2020-2021 budget of 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 concurs with the intent and purpose of S.C.R. No. 61, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 61, S.D. 1.

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

SCRep. 1040 Agriculture and Environment on S.R. No. 43

The purpose and intent of this measure is to reaffirm the State's commitment to combat climate change and prioritize climate change legislation.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and the Environmental Caucus of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Office of Planning.

Your Committee finds that climate change and sea level rise are not only real phenomena but are also two of the most preeminent challenges of the twenty-first century and are pivotal issues for the State. The Intergovernmental Panel on Climate Change has projected up to 3.2 feet of global sea level rise by the end of this century, which could cause up to \$19,000,000,000 in damage. Your Committee also finds that the State shall continue its commitment to set ambitious goals for carbon sequestration, decreased greenhouse gas emissions, and decreased dependence on imported fuels, as the State seeks to obtain one hundred percent of its electricity by 2045 from renewable sources. Your Committee further recognizes the importance of climate literacy and ecological restoration to promote increased public awareness of the climate crisis and the affirmative effort to restore native plants and animals in their local habitats.

Therefore, due to the ecological, economical, health, and security threats posed by the climate crisis, your Committee believes it is necessary to reaffirm its commitment to combat the climate crisis and prioritize climate change legislation that reduces greenhouse gas emissions as laid out in the framework of the 2016 Paris Climate Accord.

Your Committee has amended this measure by:

- Clarifying previously prioritized climate change adaptation actions codified through section 226-109, Hawaii Revised Statutes, as part of the Hawaii State Planning Act;
- (2) Revising the referenced amounts for the final approved fiscal year 2020-2021 budget of 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 concurs with the intent and purpose of S.R. No. 43, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 43, S.D. 1.

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

SCRep. 1041 Judiciary on Gov. Msg. Nos. 513 and 514

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF REGISTRATION OF THE ISLAND OF HAWAI'I

G.M. No. 513 SHAWN MERRILL, for a term to expire 06-30-2023; and

G.M. No. 514 PHILIP BARNES, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Shawn Merrill and Philip Barnes for service on the Board of Registration of the Island of Hawai'i.

SHAWN MERRILL

Your Committee did not receive any testimony on the nomination for the reappointment of Shawn Merrill.

Your Committee finds that the Boards of Registration hear and decide appeals that arise from voter challenges or a county clerk's decision regarding voter registration, and they are vital to the transparency and integrity of the State's elections. Your Committee notes that Shawn Merrill is a paralegal on Hawai'i island and is active in numerous community organizations. Ms. Merrill is currently a member of the Board of Registration of the Island of Hawai'i, and your Committee finds that her commitment to ensuring fairness in the process of registering and counting votes will continue to be a great asset to the Board.

PHILIP BARNES

Your Committee did not receive any testimony on the nomination for the reappointment of Philip Barnes.

Your Committee finds that the Boards of Registration hear and decide appeals that arise from voter challenges or a county clerk's decision regarding voter registration, and they are vital to the transparency and integrity of the State's elections. Your Committee notes that Philip Barnes is active in several community organizations and is currently a member of the Board of Registration of the Island of Hawai'i. Your Committee further finds that his commitment to ensuring fairness in the process of registering and counting votes will continue to be a great asset to the Board.

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, 7. Noes, none. Excused, none.

SCRep. 1042 Judiciary on Gov. Msg. Nos. 518 and 519

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF REGISTRATION OF THE ISLANDS OF MAUI, MOLOKA'I, LANA'I, AND KAHO'OLAWE

G.M. No. 518 LINDA PUPPOLO, for a term to expire 06-30-2021; and

G.M. No. 519 LINDA PUPPOLO, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Linda Puppolo for service on the Board of Registration of the Islands of Maui, Moloka'i, Lāna'i, and Kaho'olawe.

Your Committee did not receive any testimony on the nomination for the appointment and reappointment of Linda Puppolo.

Your Committee finds that the Boards of Registration hear and decide appeals that arise from voter challenges or a county clerk's decision regarding voter registration, and they are vital to the transparency and integrity of the State's elections. Your Committee notes that Ms. Puppolo currently sits on the Board of Registration of the Islands of Maui, Moloka'i, Lāna'i, and Kaho'olawe, and further finds that her commitment to ensuring fairness in the process of registering and counting votes will continue to be great assets to the Board

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, 3 (Kim, Lee, Fevella).

SCRep. 1043 Judiciary on Gov. Msg. No. 516

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF REGISTRATION OF THE ISLAND OF O'AHU

G.M. No. 516 DAPHNE BARBEE-WOOTEN, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Daphne Barbee-Wooten for service on the Board of Registration of the Island of O'ahu.

Your Committee received testimony in support of the nomination for the appointment of Daphne Barbee-Wooten from Sisters Empowering Hawaii and eight individuals.

Upon review of the testimony, your Committee finds that Ms. Wooten's legal experience, background, and commitment to public service qualify her for appointment to the Board of Registration of the Island of O'ahu. Numerous testifiers praised her integrity and dedication to the advancement of voting rights and civic engagement. Your Committee notes that Ms. Wooten has developed a strong reputation for professional ethics and trustworthiness in the State's legal community. Your Committee further finds that her commitment to ensuring fairness in the process of registering and counting votes will be great assets to the Board of Registration of the Island of O'ahu.

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, 3 (Kim, Lee, Fevella).

SCRep. 1044 Judiciary on Gov. Msg. No. 517

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. 517 PAMELA MURPHY, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Pamela Murphy for service on the Board of Registration of the Islands of Kaua'i and Ni'ihau.

Your Committee did not receive any testimony on the nomination for the reappointment of Pamela Murphy.

Your Committee finds that the Boards of Registration hear and decide appeals that arise from voter challenges or a county clerk's decision regarding voter registration, and they are vital to the transparency and integrity of the State's elections. Your Committee notes that Ms. Murphy is currently a member of the Board of Registration of the Islands of Kaua'i and Ni'ihau, and further finds that her commitment to ensuring fairness in the process of registering and counting votes will continue to be great assets to the Board.

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, 3 (Kim, Lee, Fevella).

SCRep. 1045 Judiciary on Gov. Msg. No. 521

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF REGISTRATION OF THE ISLANDS OF MAUI, MOLOKA'I, LANA'I, AND KAHO'OLAWE

G.M. No. 521 DYLAN ANDRION, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Dylan Andrion for service on the Board of Registration of the Islands of Maui, Moloka'i, Lāna'i, and Kaho'olawe.

Your Committee did not receive any testimony on the nomination for the reappointment of Dylan Andrion.

Your Committee finds that the Boards of Registration hear and decide appeals that arise from voter challenges or a county clerk's decision regarding voter registration, and they are vital to the transparency and integrity of the State's elections. Your Committee notes that Dylan Andrion has substantial experience as a minister and as a manager in the visitor industry, and is currently a member of the Board of Registration of the Islands of Maui, Moloka'i, Lāna'i, and Kaho'olawe. Your Committee further finds that his commitment to ensuring fairness in the process of registering and counting votes will continue to be an asset to the Board.

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, 7. Noes, none. Excused, none.

SCRep. 1046 Judiciary on H.B. No. 185

The purpose and intent of this measure is to appropriate funds for the Judiciary for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023.

Your Committee received testimony in support of this measure from the Judiciary; Hawai'i State Bar Association; Hawai'i State Bar Association Appellate Section; Hawai'i State Bar Association Family Law Section; Farrell & Perrault, LLLC; and Law Office of Georgette A. Yaindl, LLLC. Your Committee received comments on this measure from the Office of the Public Defender, Hawaii County Bar Association, and one individual.

Your Committee finds that the appropriations made by this measure are intended to assist the Judiciary in its efforts to fulfill its constitutional and statutory duties for the 2021-2023 fiscal biennium, but your Committee also notes concerns raised in testimony and by committee members during the hearing relating to appropriations made to the Office of the Public Defender.

Your Committee further finds that the Judiciary is tasked with serving as a neutral arbiter in judicial proceedings, and that having public defenders represent defendants in court when the public defender is a part of the same judicial organization as the judge could raise the appearance of a conflict of interest. Additionally, a transfer of the Office of the Public Defender from an executive agency to the Judiciary could result in legal challenges on constitutional grounds. Your Committee also finds that an effective transfer of the Office of the Public Defender from the Department of Budget and Finance to the Judiciary would require an amendment to section 802-8, Hawaii Revised Statutes, and that appropriations to the Office should be restored to the executive budget.

Accordingly, your Committee has amended this measure by:

- (1) Removing the appropriation to the Office of the Public Defender;
- (2) Re-inserting capital improvement project appropriations in the amount of \$40,621,000 for the 2021-2023 fiscal biennium; 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. 185, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 185, 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. Noes, none. Excused, none.

SCRep. 1047 (Majority) Judiciary on H.B. No. 73

The purpose and intent of this measure is to amend the definition of "emergency worker" in the Penal Code to include State onscene coordinators and communications dispatchers.

Your Committee received testimony in support of this measure from the Department of Health; Department of Defense; Honolulu Police Department; Hawai'i Police Department; Pacific Environmental Corporation; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and three individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that telecommunications dispatchers play a vital role in partnership with their in-the-field first responder colleagues, and that they undergo extensive training to develop skills that allow them to assist individuals during a variety of situations. Your Committee acknowledges the importance of providing increased protections for emergency workers, but your Committee further finds that the definition of "emergency worker" in the Penal Code is specifically utilized in a statute that elevates the penalty level of assault specific to emergency workers during an emergency period. As such, the enhanced protection appropriately applies when the emergency worker is working in a non-office setting such as on the scene of an emergency response or otherwise in the field. Additionally, your Committee notes that chapter 127A, Hawaii Revised Statutes, primarily relating to emergency management, considers all state and county officials, officers, and employees to be emergency workers for the purposes of that chapter.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that telecommunications dispatchers are only included in the definition of "emergency worker" when they are onsite or otherwise working in the field;
- (2) Providing a definition for the term "working in the field"; 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. 73, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 73, 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, 5; Ayes with Reservations (Kim). Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 1048 Water and Land on S.C.R. No. 10

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) 3-1-041:025, Kaalawai, Honolulu, Oahu, for the existing seawall, and for the 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. The parcel in question relates to a seawall that was built within private property, except for a small portion of the wall footing which was built makai of the property on state lands. The Department of Land and Natural Resources' Office of Conservation and Coastal Lands supported the disposition through an easement, citing there are no sandy beach resources fronting the subject seawall. Further, it is unlikely that removal of the encroachment would improve lateral shoreline access. The current seawall is being used as a retaining wall, and the removal of the encroaching portion could undermine the integrity of the entire seawall causing a catastrophic collapse and subsequent loss of backfilled soil and the resident structure.

Your Committee further finds that, on April 13, 2018, under agenda item D-7, the Board of Land and Natural Resources, subject to conditions, unanimously approved a grant of a fifty-five-year non-exclusive easement to resolve the two hundred fourteen square feet seawall encroachment to no public opposition. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

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. 10 and recommends that it be referred to your Committee on Ways and Means

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

SCRep. 1049 Water and Land on S.C.R. No. 11

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for the portion of state submerged lands identified as Tax Map Key: (1) 4-1-001:011, Waimanalo, Koolaupoko, Oahu, for the existing pier, seawall, and steps, and for the use, repair, and maintenance of 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 (BLNR) 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 at its meeting on January 13, 2017, under agenda item D-14, BLNR, subject to conditions, approved a grant of a fifty-five year non-exclusive easement to resolve the pier encroachment of seven hundred sixteen square feet. Your Committee also finds that at its meeting on April 12, 2019, under agenda item D-8, BLNR, subject to conditions, approved to amend the total encroachment area to 2,818 square feet and to add seawall and steps purposes to the non-exclusive easement approved in 2017. Your Committee concludes that the amendment of the easement is necessary for the use, repair, and maintenance of the existing pier, seawall, and steps. Following testimony and discussion, your Committee notes that this measure does not include all relevant tax map keys in the description of the submerged lands subject to the non-exclusive easement.

Your Committee has amended this measure by adding Tax Map Key (1) 4-1-001:013 where necessary to accurately reflect the subject portion of submerged lands.

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. 11, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 11, S.D. 1.

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

SCRep. 1050 Water and Land on S.C.R. No. 12

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for the portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-005:001, Kamaole, Kula, Maui, for the existing rubble rock revetment, rock wall, and two concrete stairways, and for the use, maintenance, repair, replacement, and removal 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. The rubble rock revetment, rock wall, and two concrete stairways built in 1980 were originally built entirely in the government beach reserve. However, a portion of the improvements are located on lands makai of the shoreline, on state submerged lands. The encroaching structures will prevent shoreline erosion and mitigate inland flooding associated with large wave and storm events. Removal of the rubble rock revetment would place one of the condominium buildings under immediate threat of erosion, and removal of the stairs could hinder public access.

Your Committee further finds that, on March 10, 2011, under agenda item D-4, the Board of Land and Natural Resources, subject to conditions, unanimously approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment of the submerged portions, roughly half, of the 18,668 square feet subject area. Your Committee concludes that the easement is necessary for the use, maintenance, repair, replacement, and removal of the existing structures.

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. 12 and recommends that it be referred to your Committee on Ways and Means.

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

SCRep. 1051 Water and Land on S.C.R. No. 13

The purpose and intent of this measure is to authorize the issuance of a perpetual, non-exclusive easement for the portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-9-027:007, Maunalua, Honolulu, Oahu, for the existing storm drain, and for the use, repair, and maintenance of 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. In 2006, the City and County of Honolulu sought to improve one of their storm drains when they discovered a one hundred seventy-four square foot encroachment located makai of the existing drainage easement. There appears to be no anticipated impacts to lateral

sand movements and the improvement does not seek to prohibit lateral shoreline access. Rather, the improvement mitigates any surface runoff at the location. The improvement is a non-conforming use and no conservation district use permit was issued for the construction.

Your Committee further finds that on March 23, 2007, under agenda item D-5, the Board of Land and Natural Resources (Board) unanimously approved a request for a grant of a perpetual non-exclusive easement to resolve the one hundred seventy-four square feet storm drain encroachment. On August 9, 2019, under agenda item D-5, the Board amended its prior action by adding section 171-53, Hawaii Revised Statutes, as the governing statutory authority. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing storm drain.

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. 13 and recommends that it be referred to your Committee on Ways and Means.

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

SCRep. 1052 Water and Land on S.C.R. No. 14

The purpose and intent of this measure is to authorize the issuance of a perpetual, non-exclusive easement for the portion of state submerged lands fronting the property identified as Tax Map Key: (1) 4-4-021:038, Kaneohe, Koolaupoko, Oahu, for the existing storm drain and for the use, repair, and maintenance of 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. The City and County of Honolulu was made aware of the portion of the storm drain encroaching onto state property during a shoreline certification of the neighboring private property. The drainage structure was constructed as part of the King Subdivision developed in the neighborhood and was subsequently dedicated to the City and County of Honolulu as part of the subdivision improvements in 1968. The structure can be considered of non-conforming use in the context of permitting requirements regulated by the Department of Land and Natural Resources' Office of Conservation and Coastal Lands and the Department of Health. The shoreline fronting the drainage structure consists of the muddy waters of Kaneohe Bay, which contain no beach resources. There are no anticipated impacts to lateral sand movement or flanking.

Your Committee further finds that on August 23, 2013, under agenda item D-10, the Board of Land and Natural Resources, subject to conditions, unanimously approved a grant of a perpetual non-exclusive easement to resolve the six hundred seventy-nine square foot storm drain encroachment. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing storm drain.

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. 14 and recommends that it be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee.

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

SCRep. 1053 Water and Land on S.C.R. No. 15

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for the portion of state submerged lands fronting the property identified as Tax Map Keys: (2) 4-3-002:026, 027, and 028, Napili 2 and 3, Lahaina, Maui, for portions of the existing walkway, and for the use, repair, and maintenance of 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 Napili Kai Beach Resort.

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 in its meeting on June 28, 2019, under agenda item D-7, the Board of Land and Natural Resources, subject to conditions, approved a grant of a term, non-exclusive easement to resolve the one hundred forty-two square foot encroachment of the existing walkway. Your Committee notes that the term of this easement is to run with the land and inure to the benefit of the abutting real property and to be coterminous with the term of the Grant of Non-Exclusive Easement No. S-5998, dated October 25, 2010. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing walkway.

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. 15, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 15, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1054 Water and Land on S.C.R. No. 16

The purpose and intent of this measure is to authorize the issuance of term, non-exclusive easements for portions of state submerged lands fronting the property identified as Tax Map Keys: (2) 3-9-011:008 CPR 0001 and CPR 0002, Waiohuli-Keokea (Kihei), Wailuku, Maui, for the existing seawall, and for the use, repair, and maintenance of 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 one individual.

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 in its meetings 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, subject to conditions, approved the grants of sixty-five-year non-exclusive easements of the additional portions of the seawall on state submerged lands, to resolve the approximately nine hundred twenty-eight square feet of seawall encroachments. Your Committee notes that the term of these additional easements is to run with the land and inure to the benefit of the abutting real property. According to testimony received by your Committee, the grantees of the easement have paid fair market consideration to the State in the total amount of \$38,900 for CPR units 0001 and 0002, Waiohuli-Keokea (Kihei), Wailuku, Maui. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

Your Committee has amended this measure by:

- Specifying that the grantees have paid fair market consideration to the State in the amount of \$19,700 and \$19,200 for CPR
 units 0001 and 0002, respectively; 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 concurs with the intent and purpose of S.C.R. No. 16, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 16, S.D. 1.

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

SCRep. 1055 Water and Land on S.C.R. No. 17

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for the portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-012:003, Waiohuli-Keokea Homesteads, Kihei, Maui, for the existing seawall, rock revetment, and concrete steps, and the use, repair, and maintenance of 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 one individual.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources (BLNR) may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. During a recent shoreline certification process, it was determined that the revetment and a portion of the seawall and concrete stairs were located makai of the shoreline and located on state lands. There is little to no beach fronting the subject property, and public access is limited due to extensive beach loss and shoreline armoring; thus, the seawall easement would have no discernable effect on beach and recreational resources and would not act as a detriment to public access. Removal of the seawall may destabilize seawalls and revetments at adjacent properties, potentially threatening upland structures.

Your Committee further finds that, on June 9, 2017, under agenda item D-9, the BLNR, subject to conditions, unanimously approved a grant of a fifty-five year non-exclusive easement to resolve the seawall and rock revetment encroachment for an area of approximately six hundred eleven to six hundred fifty square feet. Your Committee also finds that on April 26, 2019, BLNR, subject to conditions, unanimously approved to add a portion of the concrete steps and amend the total encroachment area from six hundred fifty square feet to six hundred sixty-eight square feet. Your Committee concludes that the amendment of the easement is necessary for the use, repair, and maintenance of the existing seawall, rock revetment, and concrete steps.

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. 17 and recommends that it be referred to your Committee on Ways and Means.

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

SCRep. 1056 Water and Land on S.C.R. No. 18

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for the portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-10:006, Waiohuli-Keokea Homesteads and Beach Lots, Kihei, Maui, for the existing seawall and rock revetment and for the use, repair, and maintenance of 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.

The seawall and most of the revetment are located makai of the shoreline, on state lands. The Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) determined that the seawall was authorized by the County of Maui on August 1, 1985, and supported a disposition through an easement. The OCCL determined that removal of the subject seawall would not result in a substantial improvement to beach resources fronting the property, would not improve public access, and could destabilize the seawalls and lawns on adjacent properties. The seawall also operates as the primary erosion control for potentially threatened upland structures.

Your Committee further finds that on July 11, 2014, under agenda item D-3, the Board of Land and Natural Resources, subject to conditions, unanimously approved a grant of a fifty-five-year non-exclusive easement to resolve the 1,260 square feet seawall and rock revetment encroachment. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall and rock revetment.

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. 18 and recommends that it be referred to your Committee on Ways and Means.

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

SCRep. 1057 Water and Land on S.C.R. No. 19

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for the portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-9-016:036, Maunalua, Honolulu, Oahu, for the existing seawall, and for the use, repair, and maintenance of 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 Daisho Co., Ltd.

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 in its meeting on July 10, 2020, under agenda item D-5, the Board of Land and Natural Resources, subject to conditions, approved a grant of a twenty-five-year non-exclusive easement to resolve the one hundred thirty-eight square foot seawall encroachment. Following testimony and discussion, your Committee notes that the fair market value of the easement is currently being appraised. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

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. 19 and recommends that it be referred to your Committee on Ways and Means.

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

SCRep. 1058 (Joint) Agriculture and Environment and Water and Land on H.B. No. 553

The purpose and intent of this measure is to:

- Prohibit knowingly capturing, entangling, or killing a shark in state marine waters, with exceptions, and provide for penalties
 and fines for violations; and
- (2) Require the Department of Land and Natural Resources to adopt rules to achieve certain objectives relating to sharks.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Office of Hawaiian Affairs; Pacific Whale Foundation; The Humane Society of the United States; Friends of Hanauma Bay; For the Fishes; Conservation Council for Hawaii; Kai Palaoa; Kalanihale; Environmental Caucus of the Democratic Party of Hawaii; Moana 'Ohana; KAHEA; Sierra Club of Hawaii; Legacy Reef Foundation; ODA Hawaii; FairWind; Haereticus Environmental Laboratory; Center for Biological Diversity; The Kohala Center; Hawaii Reef and Ocean Coalition; Aloha Animal Advocates; and twenty individuals. Your Committees received testimony in opposition to this measure from Lokahi Fishing, LLC and seventeen individuals. Your Committees received comments on this measure from the University of Hawaii Institute of Marine Biology and one individual.

Your Committees find that sharks are culturally significant and serve critical ecological functions. By controlling fish populations as apex predators, sharks care for the ocean environment that is necessary for the continuation of native Hawaiian traditional and customary practices. Locations with greater apex predator biomass showed a high biomass of herbivorous fish, which helps keep coral reef ecosystems and the ocean healthy. Since 1970, the global abundance of oceanic sharks has declined by seventy-one percent due to an eighteen-fold increase in relative fishing pressure, increasing the risk of global extinction to the point at which three-quarters of the species compromising this functionally important assemblage are threatened with extinction.

Your Committees additionally find that in 2010, Hawaii became the first state to enact a prohibition on shark-finning and the sale of shark fins or fin products. However, existing law does not protect sharks from intentional capture or killing. Your Committees further find that the growing number of interactions between ocean users and sharks has resulted in the consideration of stronger penalties for cruelty against sharks. Some fishers have expressed concerns that they may be charged for the incidental capture of a shark while fishing for other species. To avoid punishing fishers for the incidental take of sharks, an explicit exception may be unnecessary, but such amendment may further render this measure largely unenforceable. Similar explicit exceptions have not been necessary to prevent imposing liability on fishers for the truly incidental take of protected species. Moreover, the extremely limited amount of subsistence shark fishing currently occurring, as noted in the preamble to this measure, weighs against the need to expand subsistence fishing beyond that which may occur as a native Hawaiian traditional and customary practice.

Your Committees have amended this measure by:

- (1) Amending section 1 to reflect its amended purpose to protect sharks for their ecological value, while not criminalizing the accidental capture and release of sharks that may be captured while fishing for other species as allowed by existing statutes or rules:
- (2) Setting the prosecutorial burden to intentionally and knowingly capturing or entangling any shark within marine state waters;
- (3) Removing the incidental take exception, as fishers who are truly targeting non-protected species and who immediately release incidentally hooked or taken protected species are not held liable for an unlawful take despite the lack of an explicit statutory or regulatory incidental take exception;
- (4) Removing the exception for subsistence fishing of sharks by permit, as incidental capture while fishing for other species may be further addressed by the Department of Land and Natural Resource's rulemaking process;
- (5) Clarifying that the Department of Land and Natural Resources may adopt rules pursuant to chapter 91, Hawaii Revised Statutes, rather than requiring the Department to adopt rules;
- (6) Inserting an effective date of January 1, 2022, to allow for community outreach and education about the importance of protecting sharks and provide information about the potentially forthcoming rulemaking process from the Department of Land and Natural Resources; 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 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. 553, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 553, 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, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 1059 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 601

The purpose and intent of this measure is to amend the statewide traffic code to allow for the county chiefs of police to designate county employees to issue citations for traffic violations.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Kaua'i, National Tropical Botanical Garden, and three individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that due to 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 Department of Transportation Airport and Harbor Divisions, the Highway Division does not have an enforcement branch and relies on county police departments to enforce traffic and safety violations. This measure will provide additional persons with the authority to issue traffic citations, thereby improving traffic safety 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 H.B. No. 601, H.D. 2, 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 (Riviere).

SCRep. 1060 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 765

The purpose and intent of this measure is to appropriate funds for the Hawaii Emergency Management Agency to acquire mobile communications, water, and power service capabilities that can be deployed to each county as needed.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Hawaii Emergency Management Agency.

Your Committee finds that climate change is causing a dramatic increase in extreme weather events globally. In Hawaii, effects of climate change include increases in the number of wildfires, sea surface and air temperatures, coastal erosion, and extreme rain. Against this backdrop, your Committee finds that emergency management systems must be bolstered. The Hawaii Emergency Management Agency is tasked with, among other things, anticipating trends and promoting innovations that will enhance the emergency management system for the State, and taking steps that include the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately equipped forces before, during, and after emergencies and disasters. This measure will appropriate funds to the Hawaii Emergency Agency so that it can quickly provide support to the people of Hawaii in cases of emergencies.

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. 765, 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 (Riviere).

SCRep. 1061 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 835

The purpose and intent of this measure is to appropriate funds to support the ongoing operations of the Hawaii national guard youth challenge program.

Your Committee received testimony in support of this measure from the Judiciary, County of Hawai'i Office of the Prosecuting Attorney, and three individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the Hawaii national guard youth challenge program is a community-based program that provides and teaches life changing structure, education, values, and skills for "at promise" youth throughout the State. The Hawaii national guard youth challenge program provides the necessary services to divert "at promise" youth from the juvenile justice system and serves as a much-needed alternative to detention. This measure appropriates funds to support this essential program.

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. 835, 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, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1062 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1036

The purpose and intent of this measure is to:

- (1) Authorize the Department of Public Safety to maintain a list of independent civil process servers; and
- (2) Amend appropriate statutes to authorize process servers to serve specific types of legal documents.

Your Committee received testimony in support of this measure from the Department of Public Safety, Hawaii State Bar Association, Collection Law Section of the Hawaii State Bar 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 Judiciary.

Your Committee finds that the sunset provision in Act 101, Session Laws of Hawaii 2015, that went into effect on June 30, 2020, resulted in a repeal of numerous sections of the Hawaii Revised Statutes, which removed express language authorizing process servers to serve specific types of legal documents. This measure updates and reinstates statutory language in order to provide clear guidelines for the limitation of authority, fee schedules, and the specific services provided by process servers who are required to be registered with the Department of Safety.

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 H.B. No. 1036, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1036, 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 (Riviere).

SCRep. 1063 Transportation on H.B. No. 95

The purpose and intent of this measure is to authorize the issuance of special number license plates that commemorate the beauty of the State's natural resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and two individuals.

Your Committee finds that state residents understand and appreciate the importance of the beauty of the natural resources that Hawaii provides. This measure offers the people of Hawaii the opportunity to support the conservation of the State's natural resources through the purchase of a special number license plate.

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. 95, 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, 4. Noes, none. Excused, 1 (Inouye).

SCRep. 1064 Transportation on H.B. No. 264

The purpose and intent of this measure is to make permanent the provisions of Act 236, Session Laws of Hawaii 2016, that created a statewide insurance framework for transportation network companies.

Your Committee received testimony in support of this measure from the American Property Casualty Insurance Association of America, Hawaii Insurers Council, Uber Technologies, and Lyft.

Your Committee finds that Act 236, Session Laws of Hawaii 2016 (Act 236), was enacted to close the insurance gaps associated with transportation network companies and their drivers by establishing motor vehicle insurance requirements. The intent of Act 236 was to serve as a trial period of five years to see if the law functioned as intended and included a sunset provision that terminates the

law in September of 2021. Your Committee finds that over the past five years the provisions of Act 236 have worked as intended and it is now the intent of your Committee to make the insurance provisions of Act 236 permanent.

Your Committee further finds that transportation network companies have grown from a nascent industry into a common part of resident's everyday life. As such, your Committee finds that statewide regulation of transportation network companies beyond what is contemplated in this measure is needed to ensure the safety, reliability, and cost-effectiveness of rides provided by transportation network company drivers, as well as to preserve and enhance access to important transportation options for residents and visitors of the State.

Your Committee notes that S.B. No. 251, S.D. 2, which was previously passed by the Senate, establishes a wider regulatory framework for transportation network companies and their drivers, and includes the insurance provisions covered by this measure. The language in S.B. No. 251, S.D.2, is therefore preferrable because it accomplishes the intent of this measure and also establishes regulations for the transportation network company industry as a whole.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 251, S.D. 2, which establishes a regulator framework for the transportation network company industry.

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. 264, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 264, H.D. 1, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

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

SCRep. 1065 Transportation on H.B. No. 486

The purpose and intent of this measure is to:

- (1) Specify that a government agency does not assume ownership or jurisdiction over a disputed road solely as a result of performing maintenance or repair activities; and
- (2) Authorize the State to transfer ownership of roads in favor of counties by quitclaim if requested by the county.

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

Your Committee finds that there are roads in Hawaii whose ownership or jurisdiction is disputed between the State and counties. Your Committee further finds that the safety of persons traveling over these so called "roads in limbo" is affected by the lack of maintenance to these roads. Your Committee also finds that neither state nor county agencies are willing to maintain these roads because the performance of maintenance or repair activities may be construed to indicate ownership and jurisdiction over the disputed roads. This measure allows the state or county to maintain roads without taking on ownership responsibility.

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. 486, H.D. 2, 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 (Inouye).

SCRep. 1066 Transportation on H.B. No. 1062

The purpose and intent of this measure is to amend section 286-236, Hawaii Revised Statutes, to comply with title 49, Code of Federal Regulations, part 380 subpart F, which requires entry level driver training for certain applicants for a commercial driver's license or endorsement.

Your Committee received testimony in support of this measure from the Department of Transportation and Hawaii Transportation

Your Committee finds that effective February 7, 2022, the Federal Motor Carrier Safety Administration will require states to comply with federal entry-level driver training regulations for certain first-time commercial driver license applicants. Failure to comply with the federal mandate could result in millions of dollars being withheld from the State from the federal Highway Trust Fund. Your Committees further note that approximately two-thirds of all states have already implemented this requirement. Considering the exceptional penalties that would be assessed against the State for failure to comply, this measure is important to keep the State in compliance and to continue to receive the full apportioned amounts from the federal Highway Trust Fund.

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 H.B. No. 1062, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1062, H.D. 2, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

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

SCRep. 1067 Transportation on H.B. No. 1090

The purpose and intent of this measure is to:

- (1) Amend the requirements for the restraint of child passengers; and
- (2) Increase certain fines for violations.

Your Committee received testimony in support of this measure from the Department of Transportation; Hawaii Strategic Highway Safety Plan; Honolulu Police Department; Kapi'olani Medical Center for Women and Children; Juvenile Products Manufacturers Association, Inc.; AAA Hawai'i; and Keiki Injury Prevention Coalition. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that motor vehicle injuries are one of the leading causes of death among children. The best way to save lives and reduce injuries in the event of an automobile collision is to ensure the use of age and size appropriate car seats, booster seats, and seat belts. This measure will better protect children by placing them in a safer seating position within the vehicle and securely seated in an appropriate child restraint seat for an increased period of time.

Your Committee has amended this measure by:

- (1) Restoring language to preclude contributory negligence, comparative negligence, and negligence per se arguments from being raised as a defense to failure to properly restrain a child in a child restraint seat; 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. 1090, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1090, 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, 4. Noes, none. Excused, 1 (Inouye).

SCRep. 1068 Transportation on H.B. No. 1321

The purpose and intent of this measure is to erect depth-gauge signs on any portion of a public highway that lies within a special flood hazard area and is prone to flooding.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency, Department of Transportation, and one individual.

Your Committee finds that flooded highways pose a safety risk to drivers. It can be very difficult for a driver to accurately gauge how deep the water is and many drivers attempt to cross flooded highways, which can jeopardize their safety. This measure will allow drivers to determine the depth of water on flooded highways.

Your Committee has amended this measure by removing the appropriation.

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. 1321, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1321, 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. 1069 Education on S.C.R. No. 100

The purpose and intent of this measure is to request the Department of Education to provide free menstrual products to students on all Hawaii public school campuses.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, Hawai'i Health & Harm Reduction Center, Ma'i Movement Hawai'i, HawaiiKidsCAN, Hawai'i Women's Coalition, I Support the Girls Hawaii, Going Home Hawaii, Neighborhood Place of Puna, AF3IRM Hawai'i, Hawaii Student Care Resources, Hawai'i Children's Action Network Speaks!, and forty-eight individuals.

Your Committee finds that the Hawaii Board of Education policy number 1110-10 states that "gender equity extends the doctrine of fairness to all areas of activity in the public school system". Your Committee further finds that the funding allocated by the Legislature and expended by the Department of Education should be equitably allocated among students who menstruate and those who do not. However, although the Department of Education maintains a healthy school environment by providing free products to students such as toilet paper and hand soap in restrooms, the Department of Education does not provide students with free menstrual products. Some students who are menstruating do not come to school or leave school early because they cannot afford the menstrual products that maintain a healthy school environment. By providing these products to students, the Department of Education will promote gender equity in schools as well as ensure that students from lower income homes do not miss out on their education simply because they cannot afford these products.

Your Committee notes that the Department of Education is encouraged to start right away with distributing menstrual products to students using the school health rooms and possibly female school teachers to distribute the products rather than using dispensers and to consider using federal funds for Title I schools as well as seek advice from other state agencies that may already be providing these products through different programs.

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. 100 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. 1070 Education on S.R. No. 77

The purpose and intent of this measure is to request the Department of Education to provide free menstrual products to students on all Hawaii public school campuses.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that the Hawaii Board of Education policy number 1110-10 states that "gender equity extends the doctrine of fairness to all areas of activity in the public school system". Your Committee further finds that the funding allocated by the Legislature and expended by the Department of Education should be equitably allocated among students who menstruate and those who do not. However, although the Department of Education maintains a healthy school environment by providing free products to students such as toilet paper and hand soap in restrooms, the Department of Education does not provide students with free menstrual products. Some students who are menstruating do not come to school or leave school early because they cannot afford the menstrual products that maintain a healthy school environment. By providing these products to students, the Department of Education will promote gender equity in schools as well as ensure that students from lower income homes do not miss out on their education simply because they cannot afford these products.

Your Committee notes that the Department of Education is encouraged to start right away with distributing menstrual products to students using the school health rooms and possibly female school teachers to distribute the products rather than using dispensers and to consider using federal funds for Title I schools as well as seek advice from other state agencies that may already be providing these products through different programs.

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. 77 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. 1071 (Joint) Education and Higher Education on S.C.R. No. 9

The purpose and intent of this measure is to convene a task force to address implementation of Hawaii's state law corollary to Title IX in light of recent changes to federal Title IX regulations.

Your Committees received testimony in support of this measure from the Department of Education, University of Hawai'i System; Hawai'i Civil Rights Commission, AAUW of Hawaii, Every Voice Coalition, Democratic Party of Hawai'i Women's Caucus, Democratic Party of Hawai'i Education Caucus, Hawaii Women's Coalition, Americans for Democratic Action Hawai'i, Imua Alliance; and four individuals.

Your Committees find that Title IX of the federal Education Amendments of 1972, renamed in 2002 as the Patsy T. Mink Equal Opportunity in Education Act in honor of its principal author, former Hawaii Congresswoman Patsy Takemoto Mink, states that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance". In response to the intended policy changes announced by the United States Department of Education (USDOE) on the scope of Title IX's application, the Hawaii Legislature passed House Bill No. 1489, H.D. 1, S.D. 2, C.D. 1, which ultimately became Act 110, Session Laws of Hawaii 2018 (Act 110). Act 110 established a state law corollary to Title IX that prohibits sex-based discrimination in state-administered or state-funded educational programs or activities, including discrimination based on sexual orientation, gender identity, and gender expression. Your Committees further find that after receiving more than one hundred twenty-four thousand public comments on the proposed Title IX regulations, the USDOE formally published the final Title IX regulations (also known as the "Final Rule") in the Federal Register on May 19, 2020. This measure creates a task force to work together to ensure that the State remains in compliance with Title IX.

Your Committees have amended this measure by:

- (1) Changing the title to convening a task force to address implementation of Hawaii's state law corollary to Title IX to strengthen Hawaii's effort to end campus-based sexual violence and gender discrimination;
- (2) Specifying that according to the Rape, Abuse, and Incest National Network, one in ten students across the United States will experience sexual violence while attending an institution of higher education;
- (3) Specifying that according to the United States Department of Justice, an estimated ninety percent of survivors of campus-based sexual violence do not report such violence through official institutional or legal protocols;
- (4) Specifying that according to the University of Hawaii systemwide campus climate survey of 2019, 12.7 percent of students have reported experiencing sexual harassment, 10.6 percent have experienced stalking, 21.3 percent have experienced dating violence, and 7.2 percent have experienced nonconsensual sexual contact, all of which represent significant increases from the University of Hawaii's campus climate survey results of 2017;
- (5) Expanding the task force to include a representative from the Prevention, Awareness, and Understanding Program of the University of Hawaii; Hawaii Coalition to End Domestic Violence; The Sex Abuse Treatment Center; and Every Voice Coalition:
- (6) Specifying that the task force is requested to considers in its deliberations the:

- (A) Availability of resources for survivors of campus-based sexual violence;
- (B) Adequacy of evidence-based and trauma-informed training regarding sexual violence for faculty, staff, and students;
- (C) Sufficiency of information provided to students about gender violence;
- (D) Legislation enacted in other states to strengthening protections for survivors of campus based sexual violence;
- (E) Recommendations contained in "The Complexities of Enforcing Title IX and Related Laws: Past History, Current Status, and Future Directions", which was published by the Legislative Reference Bureau in 2019; and
- (F) Strategies for improving protections for transgendered students in Hawaii's public schools; and
- (7) Specifying that the task force is requested to work with student organizations to obtain feedback from survivors of campus-based sexual violence in the course of its deliberations;
- (8) Clarifying that the certified copies of the resolution be transmitted to the System Coordinator for the Prevention, Awareness, and Understanding Violence Program of the University of Hawaii; Executive Director of the Hawaii Coalition to End Domestic Violence; the Executive Director of the Sex Abuse Treatment Center, and Co-Executive Directors of the Every Voice Coalition; and
- (9) 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 concur with the intent and purpose of S.C.R. No. 9, as amended herein, and recommend that it be referred to your Committee on Judiciary, in the form attached hereto as S.C.R. No. 9, S.D. 1.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 5. Noes, none. Excused, none.

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Wakai).

SCRep. 1072 (Joint) Education and Higher Education on S.R. No. 8

The purpose and intent of this measure is to convene a task force to address implementation of Hawaii's state law corollary to Title IX in light of recent changes to federal Title IX regulations.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, AAUW of Hawaii, Every Voice Coalition, Democratic Party of Hawai'i Women's Caucus, Democratic Party of Hawai'i Education Caucus, Hawaii's Women's Coalition, Hawaii'i Women Lawyers, Imua Alliance, and one individual.

Your Committees find that Title IX of the federal Education Amendments of 1972, renamed in 2002 as the Patsy T. Mink Equal Opportunity in Education Act in honor of its principal author, former Hawaii Congresswoman Patsy Takemoto Mink, states that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance". In response to the intended policy changes announced by the United States Department of Education (USDOE) on the scope of Title IX's application, the Hawaii Legislature passed House Bill No. 1489, H.D. 1, S.D. 2, C.D. 1, which ultimately became Act 110, Session Laws of Hawaii 2018 (Act 110). Act 110 established a state law corollary to Title IX that prohibits sex-based discrimination in state-administered or state-funded educational programs or activities, including discrimination based on sexual orientation, gender identity, and gender expression. Your Committees further find that after receiving more than one hundred twenty-four thousand public comments on the proposed Title IX regulations, the USDOE formally published the final Title IX regulations (also known as the "Final Rule") in the Federal Register on May 19, 2020. This measure creates a task force to work together to ensure that the State remains in compliance with Title IX.

Your Committees have amended this measure by:

- (1) Changing the title to convening a task force to address implementation of Hawaii's state law corollary to Title IX to strengthen Hawaii's effort to end campus-based sexual violence and gender discrimination;
- (2) Specifying that according to the Rape, Abuse, and Incest National Network, one in ten students across the United States will experience sexual violence while attending an institution of higher education;
- (3) Specifying that according to the United States Department of Justice, an estimated ninety percent of survivors of campus-based sexual violence do not report such violence through official institutional or legal protocols;
- (4) Specifying that according to the University of Hawaii systemwide campus climate survey of 2019, 12.7 percent of students have reported experiencing sexual harassment, 10.6 percent have experienced stalking, 21.3 percent have experienced dating violence, and 7.2 percent have experienced nonconsensual sexual contact, all of which represent significant increases from the University of Hawaii's campus climate survey results of 2017;
- (5) Expanding the task force to include a representative from the Prevention, Awareness, and Understanding Program of the University of Hawaii; Hawaii Coalition to End Domestic Violence; The Sex Abuse Treatment Center; and Every Voice Coalition:
- (6) Specifying that the task force is requested to considers in its deliberations the:
 - (A) Availability of resources for survivors of campus-based sexual violence;
 - (B) Adequacy of evidence-based and trauma-informed training regarding sexual violence for faculty, staff, and students;
 - (C) Sufficiency of information provided to students about gender violence;

- (D) Legislation enacted in other states to strengthening protections for survivors of campus based sexual violence;
- (E) Recommendations contained in "The Complexities of Enforcing Title IX and Related Laws: Past History, Current Status, and Future Directions", which was published by the Legislative Reference Bureau in 2019; and
- (F) Strategies for improving protections for transgendered students in Hawaii's public schools; and
- (7) Specifying that the task force is requested to work with student organizations to obtain feedback from survivors of campus-based sexual violence in the course of its deliberations;
- (8) Clarifying that the certified copies of the resolution be transmitted to the System Coordinator for the Prevention, Awareness, and Understanding Violence Program of the University of Hawaii; Executive Director of the Hawaii Coalition to End Domestic Violence; the Executive Director of the Sex Abuse Treatment Center, and Co-Executive Directors of the Every Voice Coalition; and
- (9) 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 concur with the intent and purpose of S.R. No. 8, as amended herein, and recommend that it be referred to your Committee on Judiciary, in the form attached hereto as S.R. No. 8, S.D. 1.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 5. Noes, none. Excused, none. Higher Education: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Wakai).

SCRep. 1073 Government Operations on S.C.R. No. 5

The purpose and intent of this measure is to:

- (1) Recognize the importance of 21st century data governance for fact-based policymaking;
- (2) Urge the Department of Health, Department of Labor and Industrial Relations, Department of Human Services, Judiciary, and county police departments to compile and share existing and disaggregated data on native Hawaiians and Pacific Islanders with the Office of Hawaiian Affairs and the general public in an expeditious manner;
- (3) Urge the same departments to work with the Office of Hawaiian Affairs and the Native Hawaiian & Pacific Islander Hawaii COVID-19 Response, Recovery, and Resilience Team to develop procedures and agreements for improving data collection, processing, retention, governance, and sharing with respect to native Hawaiians, Pacific Islanders, and other relevant demographics, and to each report to the Legislature; and
- (4) Urge the Governor to establish a Task Force on 21st Century Data Governance to assess the current data collection, processing, retention, and sharing procedures, needs, and challenges across state agencies and report to the Legislature.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services, Office of Hawaiian Affairs, InterAgency Council for Immigrant and Refugee Services, Hawai'i Coalition for Immigrant Rights, Hawai'i Friends of Civil Rights, Papa Ola Lōkahi, Hawai'i Public Health Institute, Hawai'i Children's Action Network Speaks!, Na Pu'uwai, 'Ahahui o nā Kauka (Association of Native Hawaiian Physicians), Hawai'i Appleseed Center for Law & Economic Justice, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, Medical-Legal Partnership for Children in Hawai'i, and twenty-nine individuals. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that state departments and agencies need timely, comprehensive, and detailed data to accurately evaluate and improve services for the populations they serve. According to testimony received by your Committee, the coronavirus disease 2019 pandemic underscored the importance of disaggregated race, ethnicity, and spoken language data in delivering critical health care information and other services for native Hawaiian, Pacific Islanders, and limited English proficient persons in the State. Your Committee further finds that disaggregated data helps to develop good policies through informed decision-making in our State, as well as to leverage and incorporate the data in relevant federal grant applications. This measure would help state agencies address issues with the collection and disaggregation of data on native Hawaiians and Pacific Islanders in a systemic and transparent manner.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 5 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. 1074 Labor, Culture and the Arts on S.C.R. No. 211

The purpose and intent of this measure is to urge the Hawaii Employees' Retirement System to establish and offer to its qualified governmental pension plan participants, a qualified Roth contribution program by July 1, 2022.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Employees' Retirement System. Your Committee received comments on this measure from one individual.

Your Committee finds that saving money to cover one's living costs after retirement is one of the most important financial goals an individual will need to achieve, and the State has a vested interest in ensuring that its populace has adequate retirement savings for economic and healthcare purposes, as people without sufficient retirement savings may need to rely on governmental assistance after retirement and strain the State budget. The State currently offers its employees:

- (1) A tax-qualified defined benefit pension plan that requires mandatory employer contributions by the State, is governed by section 401(a) of the Internal Revenue Code (IRC), and administered by the Employees' Retirement System (ERS);
- (2) The Island \$avings Plan, which is a voluntary deferred compensation plan offered by the Department of Human Resources Development (DHRD) that is governed by section 457(b) of the IRC and administered by Prudential Retirement Insurance and Annuity Company;
- (3) A voluntary tax-sheltered annuity plan for employees of the Department of Education (DOE) and University of Hawaii that is governed by section 403(b) of the IRC and administered by National Benefit Services, LLC; and
- (4) A deferred compensation retirement plan offered by the DHRD for part-time, temporary, and seasonal/casual employees that is governed by section 457 of the IRC and administered by Life Insurance Company of the Southwest, a member of National Life Group.

All retirement plans currently offered to state employees are traditional retirement plans that deduct contributions from the employee's pre-tax income, and therefore reduces the employee's taxable income and federal and state tax burden for that current year. However, all future distributions, including capital gains in the account, are treated as taxable income at the time of withdrawal. Your Committee finds that section 402A of the IRC allows certain employer retirement plans to have a qualified Roth contribution program, under which plan participants may designate some or all of their retirement contributions as designated Roth contributions and have them placed into their designated Roth accounts. Unlike traditional pre-tax retirement contributions, an employee's designated Roth contribution is included in the employee's gross income in the year the contribution is made; however, qualified distributions from the designated Roth account (including capital gains in the account) are not treated as taxable income at the time of withdrawal. Your Committee finds that the option of a designated Roth account will benefit many plan participants, especially the employees whose retirement distributions will not occur until decades later because the tax savings for the distributions and capital gains accumulated in their designated Roth accounts over the years (due to compounding of interests) excluded from taxable income may surpass the amount of tax saved by making pre-tax contributions into traditional accounts. Your Committee also finds that a broader selection of retirement plans will entice more employees to contribute to their retirement accounts and induce other public and private sector employers to offer their employees the same option.

Your Committee notes testimony from ERS stating that under section 401(a) of the IRC, the ERS cannot maintain its tax-qualified status if it offers "elective deferrals" of compensation to its participants in the manner contemplated by a Roth contribution plan. In contrast, the DHRD and DOE currently offer a deferred compensation program for state employees separate from the retirement plans offered by the ERS, and can offer an alternative, qualified Roth contribution program for elective deferral of compensation by state workers.

Accordingly, your Committee has amended this measure by:

- (1) Replacing the ERS with the DHRD and DOE, as the state agencies urged to establish and offer to their retirement plan participants, a qualified Roth contribution 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 Labor, Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 211, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 211, S.D. 1.

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

SCRep. 1075 Labor, Culture and the Arts on S.R. No. 174

The purpose and intent of this measure is to urge the Hawaii Employees' Retirement System to establish and offer to its qualified governmental pension plan participants, a qualified Roth contribution program by July 1, 2022.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Employees' Retirement System.

Your Committee finds that saving money to cover one's living costs after retirement is one of the most important financial goals an individual will need to achieve, and the State has a vested interest in ensuring that its populace has adequate retirement savings for economic and healthcare purposes, as people without sufficient retirement savings may need to rely on governmental assistance after retirement and strain the State budget. The State currently offers its employees:

- (1) A tax-qualified defined benefit pension plan that requires mandatory employer contributions by the State, is governed by section 401(a) of the Internal Revenue Code (IRC), and administered by the Employees' Retirement System (ERS);
- (2) The Island \$avings Plan, which is a voluntary deferred compensation plan offered by the Department of Human Resources Development (DHRD) that is governed by section 457(b) of the IRC and administered by Prudential Retirement Insurance and Annuity Company;
- (3) A voluntary tax-sheltered annuity plan for employees of the Department of Education (DOE) and University of Hawaii that is governed by section 403(b) of the IRC and administered by National Benefit Services, LLC; and
- (4) A deferred compensation retirement plan offered by the DHRD for part-time, temporary, and seasonal/casual employees that is governed by section 457 of the IRC and administered by Life Insurance Company of the Southwest, a member of National Life Group.

All retirement plans currently offered to state employees are traditional retirement plans that deduct contributions from the employee's pre-tax income, and therefore reduces the employee's taxable income and federal and state tax burden for that current year.

However, all future distributions, including capital gains in the account, are treated as taxable income at the time of withdrawal. Your Committee finds that section 402A of the IRC allows certain employer retirement plans to have a qualified Roth contribution program, under which plan participants may designate some or all of their retirement contributions as designated Roth contributions and have them placed into their designated Roth accounts. Unlike traditional pre-tax retirement contributions, an employee's designated Roth contribution is included in the employee's gross income in the year the contribution is made; however, qualified distributions from the designated Roth account (including capital gains in the account) are not treated as taxable income at the time of withdrawal. Your Committee finds that the option of a designated Roth account will benefit many plan participants, especially the employees whose retirement distributions will not occur until decades later because the tax savings for the distributions and capital gains accumulated in their designated Roth accounts over the years (due to compounding of interests) excluded from taxable income may surpass the amount of tax saved by making pre-tax contributions into traditional accounts. Your Committee also finds that a broader selection of retirement plans will entice more employees to contribute to their retirement accounts and induce other public and private sector employers to offer their employees the same option.

Your Committee notes testimony from ERS stating that under section 401(a) of the IRC, the ERS cannot maintain its tax-qualified status if it offers "elective deferrals" of compensation to its participants in the manner contemplated by a Roth contribution plan. In contrast, the DHRD and DOE currently offer a deferred compensation program for state employees separate from the retirement plans offered by the ERS, and can offer an alternative, qualified Roth contribution program for elective deferral of compensation by state workers.

Accordingly, your Committee has amended this measure by:

- (1) Replacing the ERS with the DHRD and DOE, as the state agencies urged to establish and offer to their retirement plan participants, a qualified Roth contribution 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 Labor, Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 174, as amended herein, and recommends that it be referred to your Committee on Ways and Means, 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 (Fevella).

SCRep. 1076 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 195

The purpose and intent of this measure is to urge the United States Congress to amend the United States code to permit all retired disabled veterans to receive concurrent retirement and disability payments.

Your Committee received testimony in support of this measure from three individuals.

Your Committee finds that under federal law, the phrase "concurrent retirement and disability payments" refers to a retired disabled veteran's simultaneous receipt of the veteran's full retirement payments and disability compensation. Prior to implementation of the concurrent retirement and disability payments program, the retirement payments for all retired disabled veterans were offset by the amount of disability compensation received by the veteran. The National Defense Authorization Act of Fiscal Year 2004 amended 10 United States Code section 1414 to permit retired disabled veterans who served in the armed forces for twenty or more years and have a United States Department of Veterans Affairs disability rating at or above fifty percent to receive concurrent retirement and disability payments. However, the retirement payments for retired disabled veterans who are ineligible for concurrent retirement and disability payments continue to be offset by the amount of disability compensation received by the veteran. This measure requests the United States Congress to provide all retired, disabled veterans with concurrent retirement and disability compensation regardless of their disability rating or years of service.

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 concurs with the intent and purpose of S.C.R. No. 195, as amended herein, and recommends that it be referred to your Committee on Judiciary, in the form attached hereto as S.C.R. No. 195, S.D. 1.

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

SCRep. 1077 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 160

The purpose and intent of this measure is to urge the United States Congress to amend the United States code to permit all retired disabled veterans to receive concurrent retirement and disability payments.

Your Committee received testimony in support of this measure from three individuals.

Your Committee finds that under federal law, the phrase "concurrent retirement and disability payments" refers to a retired disabled veteran's simultaneous receipt of the veteran's full retirement payments and disability compensation. Prior to implementation of the concurrent retirement and disability payments program, the retirement payments for all retired disabled veterans were offset by the amount of disability compensation received by the veteran. The National Defense Authorization Act of Fiscal Year 2004 amended 10 United States Code section 1414 to permit retired disabled veterans who served in the armed forces for twenty or more years and have a United States Department of Veterans Affairs disability rating at or above fifty percent to receive concurrent retirement and disability payments. However, the retirement payments for retired disabled veterans who are ineligible for concurrent retirement and disability payments continue to be offset by the amount of disability compensation received by the veteran. This measure requests the

United States Congress to provide all retired, disabled veterans with concurrent retirement and disability compensation regardless of their disability rating or years of service.

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 concurs with the intent and purpose of S.R. No. 160, as amended herein, and recommends that it be referred to your Committee on Judiciary, in the form attached hereto as S.R. No. 160, S.D. 1.

Signed by the President on behalf of the Committee.

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

SCRep. 1078 Water and Land on S.C.R. No. 87

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 2-6-010:017, Kuau, Hamakuapoko, Maui, for the existing seawall 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 at its meeting on September 11, 2020, under agenda item D-4, the Board of Land and Natural Resources, under certain circumstances, approved the grants of a fifty-five-year non-exclusive easement of the additional portions of the L-shaped wing wall area on state submerged lands, to resolve the approximately two hundred twenty-three square feet of seawall and concrete steps encroachments. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall and concrete steps.

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. 87 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. 1079 Water and Land on S.C.R. No. 102

The purpose and intent of this measure is to authorize the issuance of a perpetual, non-exclusive easement for the portion of state submerged lands seaward of Tax Map Key: (1) 3-9-002: seaward of Kalanianaole Highway near the bridge at Maunalua, Oahu, Hawaii, for the construction and maintenance of a rock groin to slow the rate of sediment deposition into the entrance channel of the Hawaii Kai Marina, 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 two hundred sixteen individuals.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources (BLNR) 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 at its meeting on June 12, 2020, under agenda item D-7, BLNR, subject to conditions, approved the issuance of a perpetual, non-exclusive easement to the Hawaii Kai Marina Community Association for the replacement of the existing deteriorating sandbag groin with a new, larger, and permanent rock rubble mound revetment and groin. Your Committee concludes that the easement is necessary for the construction and maintenance of a rock groin to slow the rate of sediment deposition in the entrance channel of the Hawaii Kai Marina.

Following testimony and discussion, your Committee notes that the grantee has rejected the independently appraised value of \$400,000 for the easement and that, to date, no consideration has been paid for the easement. According to testimony received by your Committee, BLNR will request that the Hawaii Kai Marina Community Association adhere to the process under section 171-17, Hawaii Revised Statutes, to resolve disputes on the appraisal of fair market value.

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

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. 102, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 102, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1080 Water and Land on S.C.R. No. 141

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for the portions of state submerged lands fronting the property identified as Tax Map Key: (2) 2—1—008: seaward of 069, Wailea, Maui, for beach access stairway purposes, 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 Association of Apartment Owners of Wailea Elua.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources (BLNR) 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 at its meeting on January 22, 2021, under agenda item D-5, BLNR, subject to conditions, approved the issuance of a twenty-five-year term, non-exclusive easement to the Association of Apartment Owners of Wailea Elua for beach access stairway purposes. Your Committee concludes that the easement is necessary for continued public access for beach and offshore recreational activities at Ulua Beach.

Your Committee has amended this measure by:

- (1) Inserting a clause stating that the grantee shall pay the State the fair market value of the easement as consideration for the use of state submerged lands, to be determined by independent appraisal; 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 concurs with the intent and purpose of S.C.R. No. 141, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 141, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1081 Government Operations on S.C.R. No. 146

The purpose and intent of this measure is to request that the Legislative Reference Bureau conduct a study relating to the State's authority to allow collective negotiation between physicians and health care insurers in Hawaii to restrain or balance the monopsonistic market power of health care insurers over independent physicians.

Your Committee received testimony in support of this measure from the Hawaii Medical Association; Hawaii Independent Physicians Association; Health Committee of the Democratic Party of Hawai'i; Joyful Living, LLC; Hawaii Physician Shortage Crisis Task Force; and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Medical Service Association. Your Committee received comments on this measure from the Legislative Research Bureau.

Your Committee finds that the intent of this measure is to request a study for the purpose of restraining or balancing the monopsonistic market power of health care insurers over independent physicians. According to testimony received by your Committee from the Legislative Reference Bureau, the Bureau has no expertise regarding antitrust law, the federal Prepared Health Care Act, or how enacting state action immunity legislation could impact the State's exemption from the federal Employee Retirement Income Security Act of 1974 (ERISA), for its Prepaid Health Care Act, codified as chapter 393, Hawaii Revised Statutes, nor does its current budget allow for the Bureau to contract for an entity that specializes in the analysis of whether and how enacting a law similar to Alaska's law on collective negotiation by physicians would impact the State's ERISA exemption.

Accordingly, your Committee has amended this measure by:

- (1) Narrowing the scope of the requested study to examine the Alaska law authorizing collective negotiation by physicians, the Parker immunity doctrine and its current legal status, and the extent of any statutory or policy implementation by other states relating to collective negotiation by physicians;
- (2) Amending its title in accordance with 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 Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 146, as amended herein, and recommends that it be referred to your Committee on Commerce and Consumer Protection, in the form attached hereto as S.C.R. No. 146, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1082 Government Operations on S.C.R. No. 200

The purpose and intent of this measure is to request that the Legislative Reference Bureau, Department of Budget and Finance, and Office of Enterprise Technology Services identify and eliminate gaps in the tracking of studies, funds appropriated for studies, and submission status of reports, and submit a joint report of their findings, actions already undertaken, and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services. Your Committee received comments on this measure from the Legislative Research Bureau.

Your Committee finds that pursuant to section 13G-5, Hawaii Revised Statutes, the Legislative Reference Bureau (LRB) tracks the submission of every report that a government agency is required to submit to the Legislature. According to testimony of the LRB received by your Committee, the broad request to identify and eliminate gaps in the tracking of studies, funds appropriated for studies, and submission status of reports to the Legislature, in addition to the LRB's current duties and responsibilities, would require additional funding and personnel.

Accordingly, your Committee has amended this measure by:

- (1) Focusing the scope of the resolution to request that the LRB identify the necessary steps and estimated costs of developing an automated system to track studies, funds appropriated for studies, and submission status of reports to the Legislature;
- (2) Amending its title in accordance with 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 Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 200, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 200, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1083 Government Operations on S.R. No. 165

The purpose and intent of this measure is to request that the Legislative Reference Bureau, Department of Budget and Finance, and Office of Enterprise Technology Services identify and eliminate gaps in the tracking of studies, funds appropriated for studies, and submission status of reports, and submit a joint report of their findings, actions already undertaken, and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services.

Your Committee finds that pursuant to section 13G-5, Hawaii Revised Statutes, the Legislative Reference Bureau (LRB) tracks the submission of every report that a government agency is required to submit to the Legislature. According to testimony of the LRB received by your Committee, the broad request to identify and eliminate gaps in the tracking of studies, funds appropriated for studies, and submission status of reports to the Legislature, in addition to the LRB's current duties and responsibilities, would require additional funding and personnel.

Accordingly, your Committee has amended this measure by:

- (1) Focusing the scope of the resolution to request that the LRB identify the necessary steps and estimated costs of developing an automated system to track studies, funds appropriated for studies, and submission status of reports to the Legislature;
- (2) Amending its title in accordance with 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 Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 165, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 165, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1084 Water and Land on S.C.R. No. 113

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for the portion of state submerged lands fronting the property identified as Tax Map Key: (4) 4-3-009: seaward of 050, Kapaa, Kawaihau, Kauai for construction of a sand groin, 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 eight individuals.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources (BLNR) 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 at its meeting on February 14, 2021, under agenda item D-3, BLNR, subject to certain conditions, approved the issuance of a term, non-exclusive easement to the Association of Unit Owners of Kauai Kailani for the replacement of the existing sandbag barrier with a sandbag groin. Your Committee concludes that the easement is necessary for the construction of the sandbag groin to slow littoral drift and the erosion of Kuhio Beach in Kapaa, Kauai.

Your Committee notes for your Committee on Ways and Means that, following testimony and discussion, at its meeting scheduled for March 25, 2021, under agenda item D-3, BLNR plans to amend its prior approval of a term, non-exclusive easement of approximately 960 square feet in favor of a twenty-five year term, non-exclusive easement of 1,764 square feet, subject to certain conditions.

Your Committee has amended this measure by:

- (1) Clarifying its title; 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 concurs with the intent and purpose of S.C.R. No. 113, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 113, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1085 Agriculture and Environment on H.B. No. 46

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 Land and Natural Resources, one member of the Hawai'i County Council, Hawai'i Wildlife Center, and five individuals.

Your Committee acknowledges that Hawaii's unique ecosystem is under constant threat by natural and manmade causes and that habitat conservation plans are one means of mitigating against this threat. Your Committee finds that the annual service contract requirement proposed by this measure will help to fulfill the requirement under existing law that each habitat conservation plan identify the steps that will be taken to minimize the impact of any incidental take to the maximum extent practicable. Thus, your Committee believes this measure seeks to ensure that permitted, professionally staffed, wildlife response resources are prepared to protect native wildlife adversely affected by human activities and help satisfy the statutory responsibilities of the State.

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. 46, 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, 4. Noes, none. Excused, 1 (Acasio).

SCRep. 1086 (Joint/Majority) Agriculture and Environment and Hawaiian Affairs on H.B. No. 756

The purpose and intent of this measure is to designate that one of the four at-large positions on the Board of Agriculture shall be filled by the Chairperson of the Hawaiian Homes Commission.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Office of Hawaiian Affairs, and Kawaihapai Ohana. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that the Department of Agriculture, headed by the Board of Agriculture, works to support, enhance, promote, and protect Hawaii's agriculture and aquaculture industries. The Hawaiian Homes Commission Act authorizes the Department of Hawaiian Home Lands to lease agricultural lands or lands used for aquaculture purposes. A position on the Board of Agriculture will provide needed representation for native Hawaiian agricultural beneficiaries as an important part of the State's growing small-scale agricultural community. Additionally, the Department of Hawaiian Home lands currently represents the interests of 16,470 agricultural beneficiaries and 43,569 acres of agricultural lands and its agricultural program plan seeks to increase the issuance of agricultural homestead lots for lessees. As the State looks to increase food security statewide, the interests of agricultural homestead lessees should be represented on the Board of Agriculture. Thus, the addition of the Chairperson of the Hawaiian Homes Commission will provide a voice on the Board of Agriculture for the Department of Hawaiian Home Lands as a major and long-standing stakeholder in our State's agricultural landscape, facilitating their contribution to our State's economic resilience and food self-sufficiency.

Your Committees have heard concerns expressed by the Department of Agriculture that adding the Chairperson of the Hawaiian Homes Commission to the Board of Agriculture would provide opportunities for other stakeholder groups to request further expansion of the Board, thus compromising its ability to govern efficiently.

Your Committees have amended this measure by:

- (1) Providing that the Chairperson of the Hawaiian Homes Commission shall not join the Board of Agriculture until the next expiration of a currently serving at-large member's term;
- (2) Removing the sunset date; 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 Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 756, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 756, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3; Ayes with Reservations (Acasio). Noes, 1 (Fevella). Excused, 1 (Nishihara).

Hawaiian Affairs: Ayes, 4; Ayes with Reservations (Acasio). Noes, 1 (Fevella). Excused, none.

SCRep. 1087 Commerce and Consumer Protection on H.B. No. 171

The purpose and intent of this measure is to change the state of mind required for penalties to intentionally, knowingly, or recklessly for certain violations relating to pawnbrokers or secondhand dealers.

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 Kamaaina Loan, Hawaii Pawnbrokers Association, and Hawaii Gold & Silver Company.

Your Committee finds that pawnbrokers and secondhand dealers are required to maintain certain records and make them available to law enforcement to deter the purchase of stolen goods. However, recent efforts to bring dealers into compliance have been frustrated by the high state of mind standard. This measure would incentivize proper record keeping of items purchased by pawnbrokers and secondhand dealers and support enforcement efforts.

Your Committee notes the concerns raised in testimony that the term "reckless" in the context of pawnbrokers and secondhand dealers is vague and may have unintended consequences. These businesses are required to be licensed by their respective counties to buy secondhand merchandise, make records of government issued identification, fingerprint, and submit information to law enforcement, and the inclusion of the lower "reckless" state of mind standard, in essence, absolves investigators of any burden to

establish minimum standards that a crime has been committed. Therefore, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Deleting the term "recklessly" and clarifying that any dealer, or any agent, employee, or representative of a dealer who intentionally or knowingly violates certain provisions, or who refuses to allow the inspection of records, shall be guilty of a 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 171, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 171, 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. 1088 Commerce and Consumer Protection on H.B. No. 286

The purpose and intent of this measure is to authorize the Department of Taxation to require real estate investment trusts to notify the Department of its presence within the State and to report the assets and revenues generated annually.

Your Committee received testimony in support of this measure from the Department of Taxation, Hawaii State Teachers Association, Young Progressives Demanding Action, Hawaii Health & Harm Reduction Center, Our Revolution Hawaii, Imua Alliance, Democratic Party of Hawaii Education Caucus, Hawaii Children's Action Network Speaks!, Americans for Democratic Action Hawaii, Trinity United Methodist Church, Faith Action for Community Equity, and thirty-five individuals. Your Committee received testimony in opposition to this measure from Securities Industry Association of Hawaii. Your Committee received comments on this measure from Tax Foundation of Hawaii; Nareit Hawaii; Alexander & Baldwin; League of Women Voters; NAIOP Hawaii; Douglas Emmett, Inc.; Park Hotels & Resorts, Inc.; and one individual.

Your Committee finds that real estate investment trusts (REITs) play a significant role in Hawaii's economy. In fact, due to Hawaii's low property tax rate, REITs own more real estate in Hawaii than in any other state in the country on a per capita basis. However, the extent of the assets and revenues generated by REITs have not been transparently reported to and accurately recorded by the State, and it is therefore necessary to assess how much REITs are currently affecting our local economy. In a time when Hawaii will face budget shortfalls for a number of years to come due to the coronavirus disease 2019 pandemic, the State should objectively evaluate how much revenue may be lost as a result of keeping the dividends paid deduction in place for REITs and obtain accurate information around progressive tax options. This measure increases transparency and accountability and adds another compliance tool for the Department of Taxation to gather statistical information from tax returns to help guide policy makers in the future. Accordingly, your Committee requests that your Committee on Ways and Means consider adding an additional section to this measure that would require the Department of Taxation to make annual reports, including any proposed legislation, to the Legislature concerning REITs to ensure that the information collected is readily available and up to date for the purposes of making future tax policy determinations.

Your Committee has amended this measure by:

- (1) Clarifying that, beginning January 1, 2022, the Department of Taxation shall require REITs subject to chapter 235, Hawaii Revised Statutes, to notify the Department of its operation in the State no later than fifteen days from the first day of operation in the State, provided that for REITs operating in the State as of July 1, 2021, the Department shall be notified no later than January 15, 2022;
- (2) Clarifying that the Department of Taxation shall assess a penalty of \$50 per day for any REIT that fails to comply with the provisions of this measure;
- (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 record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 286, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 286, 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. Noes, none. Excused, none.

SCRep. 1089 Commerce and Consumer Protection on H.B. No. 459

The purpose and intent of this measure is to add a permanent commercial driver's license disqualification for a holder of a commercial driver's license or commercial learner's permit who is convicted of a felony involving a severe form of trafficking in persons.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Strategic Highway Safety Plan, and Hawaii Transportation Association.

Your Committee finds that, in 2019, the Federal Motor Carrier Safety Administration amended certain regulations to permanently disqualify individuals convicted of a felony involving a severe form of trafficking in persons from driving a commercial motor vehicle. This amendment also mandates states to comply with the changes within three years to avoid forfeiting funds apportioned to states under the federal Highway Trust Fund. This measure puts the State in substantial compliance with the federal regulations and combats

human trafficking and commercial and sexual exploitation of children and other vulnerable populations by imposing this strict, lifetime revocation of commercial driver's licenses.

Your Committee has amended this measure by inserting an effective date of July 1, 2021.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 459, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 459, 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. 1090 Commerce and Consumer Protection on H.B. No. 940

The purpose and intent of this measure is to:

- (1) Mandate reporting of suspected financial exploitation of elders and vulnerable adults in relation to securities;
- (2) Provide immunity for good faith reporting; and
- (3) Authorize the delay of disbursements and transactions in situations of suspected financial exploitation.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Human Services, AARP Hawai'i, NAIFA Hawaii, Securities Industry and Financial Markets Association, Securities Industry Association of Hawaii, and one individual.

Your Committee finds that financial exploitation of elders is the fastest growing form of elder abuse and can result in devastating consequences for victims, including fear, loss of independence, reduced quality of life, and even death. This measure is based on a securities model act from 2016 that has since been enacted in more than two-dozen states across the country and addresses existing privacy rules and concerns about potential legal exposure and liability that may make it difficult for securities professionals to contact regulators and other government authorities to report suspected financial exploitation. This measure enables financial institutions and the State to work together in preventing, identifying, and addressing cases of financial abuse to combat this growing threat to vulnerable residents.

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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 940, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 940, 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. 1091 Judiciary on H.B. No. 631

The purpose and intent of this measure is to:

- (1) Provide courts with greater discretion to adjust the amount owed or installments to be paid by a person who violates certain traffic offenses based on the person's ability to pay;
- (2) Decrease the imprisonment term to contumacious nonpayment ratio; and
- (3) Increase the amount of credit given to a person committed for contumacious nonpayment.

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, Community Alliance on Prisons, Kalihi-Palama Hawaiian Civic Club, and six individuals.

Your Committee finds that the financial hardship task force, established pursuant to Act 112, Session Laws of Hawaii 2019, made several recommendations on how to improve the current traffic system to address the needs of those who are experiencing financial hardship. Your Committee further finds that these recommendations include increasing judicial discretion to impose alternative sentences, expansion of the restricted license program to allow motorists to legally maintain driving privileges while remaining in compliance with court orders, increasing community service conversion rates to authorize courts to give motorists the ability to satisfy monetary assessments at an increased pace, establishing a uniform procedure to adjust a defendant's monetary assessment when a defendant claims financial hardship, increasing the imprisonment conversion rate for criminal traffic offenses, and increasing public visibility of financial hardship options. This measure implements several recommendations from the task force.

Your Committee has amended this measure by:

- (1) Increasing the amount of credit given to a person committed for contumacious nonpayment to \$250 per day; 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. 631, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 631, 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. Noes, none. Excused, none.

SCRep. 1092 Transportation on H.B. No. 72

The purpose and intent of this measure is to:

- (1) Establish a framework for the regulation of electric foot scooters; and
- (2) Amend the definition of "moped" to exclude electric foot scooters.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office; Department of Transportation; Department of Planning for Kaua'i County; Department of Transportation Services for the City and County of Honolulu; Honolulu Police Department; Spin; Lime; Helbiz, Inc.; Waikiki Neighborhood Board; and one individual.

Your Committee finds 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 Committee further finds 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 Committee has amended this measure by:

- (1) Requiring that electric foot scooters only be publicly stored or docked at specific locations authorized by a county;
- Requiring the funds from the registration of electric foot scooters be deposited into the bikeway fund under section 249-17.5, 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 72, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 72, 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. Noes, none. Excused, 1 (Inouye).

SCRep. 1093 Transportation on H.B. No. 775

The purpose and intent of this measure is to rename Kahului Airport Access Road on Maui as Mayor Elmer F. Cravalho Way.

Your Committee received testimony in support of this measure from the Office of the Mayor of Maui County 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 Transportation.

Your Committee finds that Maui currently does not have any roadways commemorating local politicians and their role in the modern history of Maui. Mayor Elmer F. Cravalho was the first Speaker of the House of Representatives following statehood in 1959 and the first mayor of Maui County, a position that he held from 1969 until 1979. His career in Hawaii politics started in 1954 and he remained a civic leader until his passing in 2016. Your Committee believes that Mayor Cravalho has a clear connection to Maui's modern history and he should be remembered for his civil service by naming a highway in his honor.

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. 775, 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 (Inouye).

SCRep. 1094 Transportation on H.B. No. 1081

The purpose and intent of this measure is to:

- (1) Require the Department of Transportation (DOT) to create and maintain a priority list of sidewalk installation and improvement projects;
- (2) Require the county transportation departments to create and maintain a priority list of sidewalk installation and improvement projects; and
- (3) Require the DOT and the counties to post the list on their respective websites to promote transparency and public accountability.

Your Committee received testimony in support of this measure from the Department of Transportation, Waikiki Neighborhood Board, Hawaii Bicycling League, and three individuals.

Your Committee finds that sidewalk networks increase pedestrian safety by separating pedestrians from vehicular traffic. Moreover, sidewalks produce positive public-health outcomes by encouraging walking, making communities more accessible, and contributing to more sustainable communities by decreasing dependence on motor vehicles. However, there is a significant disparity in the installation, maintenance, and improvement of sidewalk networks throughout the State. This measure will promote the development of

sidewalk installation and improvement plans by requiring the DOT and the counties to maintain an ongoing list of sidewalk installation and pedestrian improvement projects. It will also promote transparency and accountability by requiring those lists to be published on the respective websites of the DOT and the counties so that the information can be accessed by the public.

Your Committee notes that the DOT has testified that it already has a list of sidewalk and pedestrian improvement projects and that the list, called the Statewide Pedestrian Master Plan, is already accessible on the DOT's website.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the DOT to maintain, rather than create, a list of statewide sidewalk and pedestrian improvement projects;
- (2) Requiring the DOT and county transportation departments to include possible alternative to sidewalks that may be better suited for individual communities on the priority list; 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. 1081, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1081, 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, 5. Noes, none. Excused, none.

SCRep. 1095 (Joint) Transportation and Energy, Economic Development, and Tourism on H.B. No. 1142

The purpose and intent of this measure is to:

- Establish a surcharge on the sale of high-end gasoline-powered vehicles to fund the installation of electric vehicle charging systems; and
- (2) Establish an electric vehicle charging systems subaccount within the public utilities commission special fund.

Your Committees received testimony in support of this measure from the City and County of Honolulu Office of Climate Change, Sustainability, and Resiliency; Hawaii Electric Vehicle Association; Tesla, Inc.; Soderholm Bus and Mobility; Ulupono Initiative; American Lung Association; Hawaiian Electric Company; Climate Protectors Hawai'i; Blue Planet Foundation; Environmental Caucus of the Democratic Party of Hawai'i; Kauai Electric Vehicle Association; and eighteen individuals. Your Committees received testimony in opposition to this measure from the Chamber of Commerce Hawaii, Automobile Dealers' Association, Cutter Management Company, Alliance for Automotive Innovation, Hawaii Laborers' Union Local 368, and one individual. Your Committees received comments on this measure from the Department of Taxation, Department of Budget and Finance, Public Utilities Commission, State Energy Office, Tax Foundation of Hawaii, Grassroot Institute of Hawaii, and Hawai'i Energy.

Your Committees find that the State is nearly one hundred percent dependent on imported petroleum for its ground transportation needs. Hawaii residents, businesses, and visitors spent over \$1.7 billion on gasoline in 2019 and the combustion of that fuel released over ten billion pounds of climate-changing carbon dioxide into the atmosphere. Your Committees also observe that ground transportation is undergoing a seismic shift in the industry as more and more automobile manufacturers transition to all-electric vehicles. Hawaii is woefully unprepared for this transition to all-electric vehicles and it is imperative that the State act with utmost haste to ensure that residents are sufficiently equipped for a future where all new vehicle sales will be electric vehicles. In order to prepare for the influx of electric vehicles, the State needs to ensure that there are sufficient electric vehicle charging stations to meet the anticipated demand. This measure will provide funding to increase the supply of EV charging stations.

Your Committees have amended this measure by:

- (1) Removing the vehicle surcharge tax;
- (2) Allocating three cents of the barrel tax to fund the electric vehicle charging system rebate program until June 30, 2030; 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 Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1142, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1142, 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, Fevella). Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1096 Human Services on H.B. No. 722

The purpose and intent of this measure is to address the growing problem of sex trafficking and commercial sexual exploitation of children in the State by establishing within the Department of the Attorney General a statewide coordinator and program to address the needs of victims of human trafficking.

Your Committee received testimony in support of this measure from the Judiciary; Department of Human Services; Department of the Attorney General; Office of Hawaiian Affairs; Department of Health; Maui Police Department; Hawaii County Office of the Prosecuting Attorney; Honolulu Police Department; City and County of Honolulu, Department of the Prosecuting Attorney; Hawaii Psychological Association; St. Michael the Archangel Parish; Hawaii Island Safe Net, Hawaii Island Coalition Against Human

Trafficking; Sex Abuse Treatment Center; and five individuals. Your Committee received comments on this measure from Imua

Your Committee finds that children in the State are vulnerable to sex trafficking and commercial sexual exploitation. In the last decade, the commercial sexual exploitation of children has garnered greater attention in Hawaii and throughout the United States. Your Committee further finds that in order to adequately serve children who have been sexually exploited, a statewide human trafficking program is needed to develop and utilize comprehensive interagency case management strategies, protocols, and a multi-disciplinary response that is both victim-centered and offender-focused. Your Committee notes the testimony of the Department of the Attorney General, which stated that an appropriation for a statewide coordinator would not be necessary as its current budget already includes a position for the coordinator; however, having the position statutorily-established will aid in opportunities to obtain federal grants.

Accordingly, your Committee has amended this measure by:

- (1) Reinserting the requirement that the Department of the Attorney General establish a statewide coordinator and program within the Department to address the needs of victims of human trafficking;
- (2) Inserting an effective date of January 1, 2022; 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 722, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 722, 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, 5. Noes, none. Excused, none.

SCRep. 1097 Human Services on H.B. No. 975

The purpose and intent of this measure is to bring state law into compliance with the most recent amendments to the Child Abuse Prevention and Treatment Act, which seek to provide immunity from civil and criminal liability for individuals making good faith reports of suspected or known instances of child abuse or neglect.

Your Committee received testimony in support of this measure from the Department of Human Services and the Hawai'i Psychological Association. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that in January 2019, the Victims of Child Abuse Act Reauthorization Act of 2018, P.L. 115-424, was enacted, further amending certain provisions of the Child Abuse Prevention and Treatment Act. Your Committee also finds that the 2019 amendment provides immunity from civil and criminal liability for individuals making good faith reports of suspected or known instances of child abuse or neglect, or who otherwise provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect. Your Committee further finds that due to the impact of the coronavirus disease 2019 pandemic on the Hawaii State Legislature's regular session of 2020, the Children's Bureau of the Administration for Children and Families of the United States Department of Health and Human Services, granted the department of human services an extension until June 30, 2021, to bring Hawaii's law into compliance with federal law.

Accordingly, your Committee has amended this measure by:

- (1) Inserting an effective date of June 30, 2021; 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 H.B. No. 975, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 975, H.D. 1, 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. 1098 Human Services on H.B. No. 980

The purpose and intent of this measure is to broaden the department of human services' right of entry into a vulnerable adult's premises without a warrant, for an investigation of any type of abuse, regardless of whether there is physical injury.

Your Committee received testimony in support of this measure from the Executive Office on Aging; Department of Human Services, Department of Human Services, Adult Protective and Community Services; Maui County Department of the Prosecuting Attorney; AARP Hawai'i; and three individuals.

Your Committee finds that the department of human services is authorized to enter premises without a warrant for purposes of investigating the possibility of abuse of a vulnerable adult. However, existing law limits that right of warrantless entry to only situations where there is probable cause to believe that a vulnerable adult will be physically injured. However, under existing law, abuse includes not only physical abuse, but also psychological abuse, sexual abuse, financial exploitation, caregiver neglect, or self-neglect, each of which can result in severe harm to the vulnerable adult. Your Committee further finds that this measure allow earlier intervention that can stem the effects of harmful abuse of all types. Accordingly, 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 980, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 980, H.D. 1, 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. 1099 Housing on H.B. No. 79

The purpose and intent of this measure is to:

- (1) Establish the affordable homeownership revolving fund within the Hawaii Housing Finance and Development Corporation to provide loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects; and
- (2) Appropriate funds from the affordable homeownership revolving fund for loans for the development of affordable for-sale housing projects.

Your Committee received testimony in support of this measure from the Hawai'i Association of Realtors; Hawaii Habitat for Humanity Association; Habitat for Humanity Hawaii Island, Inc.; HOPE Services Hawai'i, Inc.; St. Michael the Archangel Parish; Lei Ho'olaha CDFI, Hawai'i Appleseed Center for Law & Economic Justice; Maui Chamber of Commerce; and one individual. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation and Department of Budget and Finance.

Your Committee finds that homeownership is positively correlated with economic and social stability. However, the number of full-time Hawaii residents who own homes has steadily declined over the last fifty years. Currently, Hawaii has the third lowest homeownership rate of any state in the nation. To help solve this problem, self-help housing, nonprofit developers, and community land trust organizations can leverage federal funds to build houses that are available for purchase by low- and moderate-income households, but only if these organizations can provide additional non-federal matching funds. Your Committee further finds that the additional matching funds required can be provided by the establishment of an affordable homeownership revolving fund. The use of this fund, together with federal funds, can create homeownership opportunities for more of Hawaii's residents.

Your Committee has amended this measure by changing the appropriation amount from an unspecified amount to \$1,000,000.

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. 79, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 79, 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 (Moriwaki).

SCRep. 1100 Housing on H.B. No. 606

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for the dwelling unit revolving fund and the rental housing revolving fund.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation; AARP Hawai'i; Catholic Charities Hawai'i; Hawaiian Humane Society; Partners In Care; Stanford Carr Development, LLC; Hawai'i Association of Realtors; Hawai'i Health & Harm Reduction Center; AlohaCare; and two individuals.

Your Committee finds that Hawaii has an ongoing housing crisis that was exacerbated by the economic difficulties brought on by the coronavirus disease 2019 (COVID-19) pandemic. During the past year, many residents have found themselves either unemployed or facing reduced hours at work. During these difficult economic times, it is critical that residents have access to affordable housing. Without access to affordable housing, many residents face the prospect of leaving the State or becoming homeless. By appropriating funds into the dwelling unit revolving fund and the rental housing revolving fund as provided in this measure, more affordable housing units can be built to provide homes for Hawaii residents.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount for the Dwelling Unit Revolving Fund from an unspecified amount to \$20,000,000; and
- (2) Changing the appropriation amount for the Rental Housing Revolving Fund from an unspecified amount to \$25,000,000.

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. 606, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 606, 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 (Moriwaki).

SCRep. 1101 Housing on H.B. No. 1132

The purpose and intent of this measure is to authorize the issuance of general obligation bonds for the construction of phase I of a senior living affordable housing project on School Street on the island of Oahu by the Hawaii Public Housing Authority.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Hawaii Public Housing Authority, AARP Hawai'i, Catholic Charities Hawai'i, Hawaiian Humane Society, Partners In Care, Hawai'i Health & Harm Reduction Center, AlohaCare, Hawai'i Appleseed Center for Law & Economic Justice, and three individuals.

Your Committee finds that the State has a housing crisis. The high cost of housing in particular affects senior citizens who often live on fixed incomes. This is especially worrisome as the age group of those sixty-five years and older is growing at an annual rate of 3.6 percent while the total annual population growth for the entire State is just 0.5 percent. The State needs to take action to help provide elderly citizens with affordable housing. This measure will provide the funds necessary for an affordable senior living housing project.

Your Committee has amended this measure by:

- (1) Changing the funding amount for the general obligation bond from an unspecified amount to \$40,000,000;
- (2) Changing its effective date from July 1, 2050, to 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 Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1132, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1132, 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 (Moriwaki).

SCRep. 1102 Housing on H.B. No. 907

The purpose and intent of this measure is to repeal the Down Payment Loan Assistance Program and the Homebuyers' Club Program.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation and Department of Business, Economic Development, and Tourism.

Your Committee finds that the Down Payment Loan Assistance Program, established in 1995, and the Homebuyers' Club Program, established in 1993, are old, obsolete, and not cost-effective. Moreover, these programs are no longer necessary as nonprofit entities and financial institutions operate successful programs that accomplish the same goals. This measure repeals both 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 H.B. No. 907, 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, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1103 Housing on H.B. No. 869

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Luana Kai A Life Plan Community with the planning, design, and construction of a three hundred sixty-six-unit retirement community for seniors in the Honolulu suburb of Hawaii Kai.

Your Committee received testimony in support of this measure from Luana Kai A Life Plan Community. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that special purpose revenue bonds are used to assist statutorily designated categories of private entities in raising funds to purchase or build capital facilities. A continuing care retirement community, like the kind Luana Kai A Life Plan Community plans to build, is a health care facility as defined in part II, chapter 39A, Hawaii Revised Statutes. As such, the project is eligible for the issuance of special purpose revenue bonds that will assist the company in building a large senior living development in Hawaii Kai, which is a community in need of senior housing options.

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. 869, 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 (Moriwaki).

SCRep. 1104 Government Operations on H.B. No. 33

The purpose and intent of this measure is to support the Information Technology Steering Committee (ITSC) in developing the State's information technology standards and policies by:

- (1) Amending the terms and composition of the ITSC members; and
- (2) Requiring ITSC's Chief Information Officer to present an annual report to the ITSC for public comment prior to submitting the report to the Governor and Legislature.

Your Committee received testimony in support of this measure from the Department of Education, Office of Enterprise Technology Services, Transform Hawai'i Government, Hawaii Data Collaborative, and two individuals.

Your Committee finds that preserving the continuity of the ITSC is necessary to properly administer section 27-43, Hawaii Revised Statutes, relating to the development of the State's information technology standards and policies. According to oral testimony received by your Committee from the Chief Information Officer, there is no issue to add two additional members to ITSC. Your Committee further finds that ITSC is an advisory committee and not a board or commission subject to section 26-34, Hawaii Revised Statutes

Accordingly, your Committee has amended this measure by:

- (1) Deleting:
 - (A) References to section 26-34, Hawaii Revised Statutes, regarding the selection and terms of members of boards and commissions; and
 - (B) Language requiring the President of the Senate and Speaker of the House of Representatives to each remove one of the members they appointed to the ITSC;
- (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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 33, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 33, 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, 5. Noes, none. Excused, none.

SCRep. 1105 Government Operations on H.B. No. 103

The purpose and intent of this measure is to:

- (1) Clarify that the powers granted for emergency purposes shall not be inconsistent with the Hawaii State Constitution;
- (2) Provide parameters for the duration of suspension of laws and require justification for the suspension;
- (3) Provide for the termination or extension of a proclamation of a state of emergency; and
- (4) Allow a separate proclamation arising from the same emergency or disaster as a previous proclamation that expired, upon request of the Governor and adoption of a concurrent resolution by the Legislature.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and one individual. Your Committee received testimony in opposition of this measure from the Hawaii Emergency Management Agency, Maui Chamber of Commerce, and one individual. Your Committee received comments on this measure from Common Cause Hawaii and Grassroot Institute of Hawaii.

Your Committee finds that this measure addresses the lack of legislative oversight on the Governor's emergency powers under the State's existing emergency management law. Your Committee notes the concerns in the testimony regarding the prolonged suspension of sunshine laws and open record laws during the coronavirus disease 2019 pandemic and recognizes that there needs to be a balance between flexibility and transparency to provide and protect the public health, safety, and welfare during times of emergency.

Accordingly, your Committee has amended this measure by:

- (1) Requiring any suspension of law during a state of emergency to specify the emergency functions facilitated with justification based on protecting the public health, safety, and welfare, and careful regard to the public right to know under chapters 92 and 92F, Hawaii Revised Statutes;
- (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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 103, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 103, 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, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1106 Government Operations on H.B. No. 513

The purpose and intent of this measure is to repeal the State Capitol Management Committee, which oversees the financing, operations, and maintenance of the State Capitol grounds and facilities.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services and one individual

Your Committee finds that it is the responsibility of the Department of Accounting and General Services (DAGS) to operate and maintain the State Capitol grounds and facilities. According to testimony received by your Committee, the last meeting of the State Capitol Management Committee with minutes was in September 2018. Your Committee recognizes that over the past year during the coronavirus disease 2019 pandemic, DAGS continued to operate and maintain the State Capitol through on-ongoing projects and operations that include repainting, renovations, bird dropping mitigation, soffit replacement, new security cameras/equipment, recarpeting, dead bolt lock installations, and pool leak mitigation.

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. 513, 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, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1107 Government Operations on H.B. No. 526

The purpose and intent of this measure is to:

- (1) Require a bidder's past performance on state contracts of similar scope to be considered for contract awards and responsibility determinations;
- Require a responsible bidder or offeror to be determined based upon the responsibility determination standards adopted by the Procurement Policy Board;
- (3) Prohibit the evaluation of criteria not set forth in the request for proposals under the competitive sealed proposal process; and
- (4) Appropriate funds for the development and implementation of guidance and related implementation training for several tools relating to a past performance guide and past performance database, to be expended by the State Procurement Office.

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received testimony in opposition of this measure from the City and County of Honolulu Department of Design and Construction, General Contractors Association of Hawaii, and Building Industry Association of Hawaii. Your Committee received comments on this measure from the Department of Accounting and General Services and State Procurement Office.

Your Committee finds that this measure is intended to decrease repeated inefficiencies, substandard work, and other forms of poor performance on state contracts by requiring the evaluation of past performance in the bid selection of contractors for certain projects. According to testimony received by your Committee, past performance, as another level of consideration and diligence in evaluating responsibility, will provide additional insight to positively impact the award selection to optimally support increased accountability, enhanced quality performance, and efficient and effective utilization of taxpayer dollars in respect to contract awards and the respective deliverables. Your Committee recognizes that the establishment and maintenance of a past performance database and the adoption of relevant administrative rules would help procurement officers in awarding contracts to responsible bidders and offerors.

Accordingly, your Committee has amended this measure by:

- (1) Amending the definition of past performance to include the positive, negative, or lack of previous experience of a contractor;
- Clarifying the requirements that include past performance as an evaluation factor in awarding a contract through the competitive sealed proposal procurement method;
- (3) Deleting language that would have required procurement officers to consider a bidder's or offeror's past performance when making a responsibility determination;
- (4) Inserting language requiring the State Procurement Office to adopt rules and develop a statewide past performance database, by December 31, 2023, and procurements over the small purchase threshold to be maintained in the procuring department's files and the statewide past performance database, in conformity with S.B. No. 788, S.D. 2;
- (5) Amending section 1 to reflect its amended purpose;
- (6) Making it effective upon its approval; 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 526, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 526, 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, 5. Noes, none. Excused, none.

SCRep. 1108 (Joint) Public Safety, Intergovernmental, and Military Affairs and Commerce and Consumer Protection on H.B. No. 391

The purpose and intent of this measure is to establish a process for the early termination of a rental agreement for certain active duty servicemembers who receive military orders to vacate civilian housing and move into on-post government quarters, or who die while serving on active duty.

Your Committees received testimony in support of this measure from two individuals. Your Committees received testimony in opposition to this measure from the Hawaii Association of REALTORS. Your Committees received comments on this measure from two individuals.

Your Committees find that servicemembers can lose their housing allowance when they get divorced, no longer have dependents, or do not have physical custody of children. In this event, servicemembers will be required to move into barracks regardless of any valid lease to which they are a party. Your Committees further find that this measure will help to ensure that servicemembers will not have to face evictions or serious financial hardship if they are no longer eligible for a basic housing allowance and need to terminate a residential lease for off-post housing.

Your Committees have amended this measure by:

 Specifying that servicemember tenants are required to request permission to maintain their housing allowance from their commanding officer before giving early termination notice to their landlord;

- (2) Specifying that written proof from the commanding officer denying the servicemember's request to maintain their housing allowance is required to be shown to the landlord along with the early termination notice;
- (3) Clarifying that the early termination notice starts after the landlord receives the commanding officer's written proof;
- (4) Clarifying that the notice requirement for early termination from non-terminating tenants who fail to demonstrate the ability to pay the rent is thirty days rather than fifteen days;
- (5) Inserting an effective date of July 1, 2030, to encourage further discussion; 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 Public Safety, Intergovernmental, and Military Affairs and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 391, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 391, H.D. 3, 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.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 1109 (Joint) Public Safety, Intergovernmental, and Military Affairs and Labor, Culture and the Arts on H.B. No. 954

The purpose and intent of this measure is to convert the executive officer, public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel in the Hawaii Emergency Management Agency from civil service status to exempt status.

Your Committees received testimony in support of this measure from the Hawaii Emergency Management Agency, Hawaii State Energy Office, The Maritime Group, and one individual. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that there continues to be an insufficient number of Hawaii Emergency Management Agency staff and applicants to fill critical position vacancies with trained, experienced, and qualified personnel. Exempting key Hawaii Emergency Management Agency positions from civil service will create the conditions for a responsive, flexible, and aggressive hiring system that will expedite the filling of these vacancies, as well as improve competitive recruiting and retention of qualified and experienced emergency management professionals. There will also be a reduction of risk to the State in having extended vacancies in these critical positions.

Your Committees have amended this measure by:

- (1) Clarifying that the civil service exemption for emergency operations center state warning point personnel applies if the Department of Human Resources Development Director determines that recruitment through normal civil service recruitment procedures would result in delay or noncompliance; 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 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. 954, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 954, H.D. 1, 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, 3. Noes, none. Excused, 2 (English, Fevella).

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Keohokalole, Fevella).

SCRep. 1110 Judiciary on H.B. No. 671

The purpose and intent of this measure is to:

- (1) Prohibit certain state officials and employees from representing certain interests before the State for twelve months after termination from their respective positions; and
- (2) Specify that the prohibition against disclosing certain information applies 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 Hawai'i State Ethics Commission, Common Cause Hawai'i, and twelve individuals.

Your Committee finds that it is in the public interest to keep a distinct wall of separation between lobbyists and the State's elected officials and certain other government employees. Your Committee further finds that prohibiting elected officials, employees of the Legislature, and certain other high-ranking state officials from representing other interests before the State or before former colleagues with whom they have served, for twelve months after termination from their respective government positions will reduce any appearance of corruption and increase public confidence in the integrity of state government.

Your Committee has amended this measure by:

 Providing an exemption from the twelve-month representation prohibition for persons holding interim or acting positions for less than one hundred eighty-one days;

- Clarifying the specific board, authority, or commission executive directors, directors, or administrators that are included in the representation prohibition;
- (3) Changing the effective date to January 1, 2022; 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. 671, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 671, 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, 7. Noes, none. Excused, none.

SCRep. 1111 Agriculture and Environment on S.C.R. No. 23

The purpose and intent of this measure is to urge the Department of Health's Environmental Management Division to ensure that destinations to which the State's recyclable waste is transported for out-of-state processing abide by the environmental standards as outlined by the Basel Convention.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Food Industry Association, and three individuals.

Your Committee finds that the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) is a multilateral environmental agreement that establishes standards for the transboundary movement of hazardous waste and solid waste, including notice to and written confirmation from the receiving country prior to export, and seeks to protect human health and the environment from the adverse effects of hazardous wastes. The end-of-life processing for recyclable plastics and waste in many of the countries in which Hawaii's recyclable waste ultimately arrives are handled in a manner that is harmful to human health and local environments. Thereby, your Committee finds that it is necessary to ensure that the destinations to which the State's recyclable waste is transported for out-of-state processing abides by the environmental standards outlined in the Basel Convention.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 23, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 23, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1112 Agriculture and Environment on S.R. No. 12

The purpose and intent of this measure is to urge the Department of Health's Environmental Management Division to ensure that destinations to which the State's recyclable waste is transported for out-of-state processing abide by the environmental standards as outlined by the Basel Convention.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Food Industry Association, and three individuals.

Your Committee finds that the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) is a multilateral environmental agreement that establishes standards for the transboundary movement of hazardous waste and solid waste, including notice to and written confirmation from the receiving country prior to export, and seeks to protect human health and the environment from the adverse effects of hazardous wastes. The end-of-life processing for recyclable plastics and waste in many of the countries in which Hawaii's recyclable waste ultimately arrives are handled in a manner that is harmful to human health and local environments. Thereby, your Committee finds that it is necessary to ensure that the destinations to which the State's recyclable waste is transported for out-of-state processing abides by the environmental standards outlined in the Basel Convention.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 12, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 12, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1113 (Joint) Higher Education and Education on S.C.R. No. 89

The purpose and intent of this measure is to urge the University of Hawai'i System (University) and Department of Education (DOE) to include training, courses, and curricula related to the mechanics, repair, and maintenance of electric vehicles, hydrogen vehicles, and other alternative fuel vehicles in their respective programs.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, Hawaiian Electric Company, Hawaii Electric Vehicle Association, Big Island Electric Vehicle Association, Sustainable Energy Hawai'i, and six individuals. Your Committees received comments on this measure from the University of Hawai'i System.

Your Committees find that the need to address the impacts of climate change on the natural and human environment is becoming increasingly urgent. Combustion of gasoline and diesel for cars and trucks releases climate-changing carbon dioxide into the atmosphere each year, which is a major cause of global warming. Hawaii recognizes the importance of transitioning to clean energy across all sectors and ranks in the top five states in the nation for adoption of electric vehicles based on the percentage of vehicles purchased. The number of electric vehicles in Hawaii is expected to continue to increase. However, it is estimated that only three percent of automotive technicians have the skill set to work on electric vehicles, and only limited courses focused on electric vehicle mechanics, repair, and maintenance are offered through programs at the University and DOE. As Hawaii strives to achieve its goal of one hundred percent renewable energy by 2045, your Committees find it imperative that the University and DOE include training, courses, and curricula related to the mechanics, repair, and maintenance of electric vehicles, hydrogen vehicles, and other alternative fuel vehicles in their respective programs, so that the State can develop a workforce of automotive technicians who are trained in said areas.

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 concur with the intent and purpose of S.C.R. No. 89 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Wakai).

Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 1114 (Joint) Hawaiian Affairs and Ways and Means on S.C.R. No. 57

The purpose and intent of this measure is to urge the counties to expand kuleana property tax relief to family members that have continuous ownership of ancestral lands.

Your Committees received testimony in support of this measure from Kīpuka Kuleana, 'Āina Aloha Economic Futures Initiative, and fifty-two individuals.

Your Committees find that the health and well-being of native Hawaiians are intrinsically tied to the 'āina and immeasurable value in the relationship between Hawaiians, their ancestors, and the land. The Kumulipo, the Native Hawaiian cosmogony and creation chant, establishes that native Hawaiians descend from natural life forms. The inextricable familial relation to the 'āina engenders a kuleana to care for the land, and a deep-rooted bond between native Hawaiians and the 'āina that they care for. Historically the 'āina was held in trust by the sovereign for the benefit for all.

Your Committees further find that the Māhele, the foundational process of what would become the private property system in Hawaii, provided mechanisms for ownership of kuleana land by Hawaiian Kingdom subjects and foreign citizens. The Kuleana Act of August 6, 1850, and the amendment of July 11, 1851, authorized the Kingdom of Hawaii to confirm several resolutions of the Monarch and Privy Council that secured title for native tenants to possess land for cultivation. Since that time, many kuleana land parcels have been lost due to a myriad of reasons, including the lack of understanding of the imposed foreign legal and judicial system, introduction and expansion of large-scale ranching and plantation operations, the decline of taro cultivation due to the mass diversion of water for large-scale planting and ranching operations from large community-maintained traditional irrigation systems, the acquisition of parcels through adverse possession or quiet title actions, and the seizure of parcels as payments for debt and taxes.

Currently, the rapid escalation of land values in recent years have resulted in disenfranchisement of native Hawaiian families, foreclosure, emotional and financial struggles, and harm to the cultural, spiritual, social, and health connections for native Hawaiian families that are trying to keep their ancestral lands, farms, and burial places, especially in affluent areas. These kuleana lands are unique to the State and its identity.

Your Committees find that the City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui have enacted ordinances providing for a permanent reduction in property tax rates for lands received by native Hawaiians who demonstrate that they are lineal descendants of an original kuleana owner and that at least part of the property they currently own is comprised of kuleana land acquired by the original awardee under sections 1 and 2 of the Kuleana Act of 1850. These property tax exemptions have resulted in qualified owners of kuleana lands paying minimal property taxes, enhancing the protection of these historic lands and tax relief to owners. Additionally, the fiscal impact of kuleana land property tax exemptions on county revenues has been minimal as relative few parcels qualify for an exemption.

Your Committees further find that this distribution under sections 1 and 2 of the Kuleana Act makes up less than one percent of lands in the State, including only twenty-eight thousand acres of land. Additionally, the Kuleana Act allowed Hawaiian Kingdom subjects, including native Hawaiians, to purchase government lands, by which native Hawaiians obtained land through this process. Families who purchased land not classified as kuleana land through other mechanisms under the Kuleana Act do not benefit from the property tax relief provided by the counties. Your Committees additionally find that expanding protections to section 4 of the Kuleana Act would still only account for four percent of lands throughout the State, accounting for four hundred thousand acres.

Your Committees discussed exempting continuous ownership requirements and county infrastructure requirements from kuleana lands. Currently, many families are unable to prove continuous lineal ownership due to various inconsistencies between the traditional Native Hawaiian land tenure system and a Western land title system that has failed to incorporate and recognize the communal land values of traditional Native Hawaiian culture that include but are not limited to:

- (1) A break in title where families lost a quiet title or forced partition action, but then regained title;
- (2) Lack of recognition for lineal ownership due to lack of proof of blood quantum;
- (3) Preclusion of hānai children from asserting right to title; and
- (4) Lack of documentation to proof title necessary to establish continuous ownership.

Your Committees find that these issues raise concerns that merit further consideration as this measure proceeds.

Your Committees have amended this measure by:

- (1) Deleting its contents and inserting language that:
 - (A) Recognizes how native Hawaiians are connected to the 'āina through genealogy and provides more context around the value kuleana lands hold for the State;
 - (B) Urges the counties to expand property tax projections to include all lands purchased by Hawaiian Kingdom subjects under the Kuleana Act and whose titleholders can trace lineal ownership of such lands to the Kuleana Act;
 - (C) Recognizes and appreciates the pilina (relationship) native Hawaiians maintain with 'āina and the unique value this pilina contributes to Hawai'i's identity; and
 - (D) Continues to support the continual retention of lands by lineal descendants of Hawaiian Kingdom subjects who claimed land under the Kuleana Act to protect the special relationship between kānaka (people) and 'āina; 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 Ways and Means that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 57, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 57, S.D. 1.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Acasio, Ihara). Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 1115 (Joint) Hawaiian Affairs and Ways and Means on S.R. No. 39

The purpose and intent of this measure is to urge the counties to expand kuleana property tax relief to family members that have continuous ownership of ancestral lands.

Your Committees received testimony in support of this measure from Kīpuka Kuleana, 'Āina Aloha Economic Futures Initiative, and fifty-two individuals.

Your Committees find that the health and well-being of native Hawaiians are intrinsically tied to the 'āina and immeasurable value in the relationship between Hawaiians, their ancestors, and the land. The Kumulipo, the Native Hawaiian cosmogony and creation chant, establishes that native Hawaiians descend from natural life forms. The inextricable familial relation to the 'āina engenders a kuleana to care for the land, and a deep-rooted bond between native Hawaiians and the 'āina that they care for. Historically the 'āina was held in trust by the sovereign for the benefit for all.

Your Committees further find that the Māhele, the foundational process of what would become the private property system in Hawaii, provided mechanisms for ownership of kuleana land by Hawaiian Kingdom subjects and foreign citizens. The Kuleana Act of August 6, 1850, and the amendment of July 11, 1851, authorized the Kingdom of Hawaii to confirm several resolutions of the Monarch and Privy Council that secured title for native tenants to possess land for cultivation. Since that time, many kuleana land parcels have been lost due to a myriad of reasons, including the lack of understanding of the imposed foreign legal and judicial system, introduction and expansion of large-scale ranching and plantation operations, the decline of taro cultivation due to the mass diversion of water for large-scale planting and ranching operations from large community-maintained traditional irrigation systems, the acquisition of parcels through adverse possession or quiet title actions, and the seizure of parcels as payments for debt and taxes.

Currently, the rapid escalation of land values in recent years have resulted in disenfranchisement of native Hawaiian families, foreclosure, emotional and financial struggles, and harm to the cultural, spiritual, social, and health connections for native Hawaiian families that are trying to keep their ancestral lands, farms, and burial places, especially in affluent areas. These kuleana lands are unique to the State and its identity.

Your Committees find that the City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui have enacted ordinances providing for a permanent reduction in property tax rates for lands received by native Hawaiians who demonstrate that they are lineal descendants of an original kuleana owner and that at least part of the property they currently own is comprised of kuleana land acquired by the original awardee under sections 1 and 2 of the Kuleana Act of 1850. These property tax exemptions have resulted in qualified owners of kuleana lands paying minimal property taxes, enhancing the protection of these historic lands and tax relief to owners. Additionally, the fiscal impact of kuleana land property tax exemptions on county revenues has been minimal as relative few parcels qualify for an exemption.

Your Committees further find that this distribution under sections 1 and 2 of the Kuleana Act makes up less than one percent of lands in the State, including only twenty-eight thousand acres of land. Additionally, the Kuleana Act allowed Hawaiian Kingdom subjects, including native Hawaiians, to purchase government lands, by which native Hawaiians obtained land through this process. Families who purchased land not classified as kuleana land through other mechanisms under the Kuleana Act do not benefit from the property tax relief provided by the counties. Your Committees additionally find that expanding protections to section 4 of the Kuleana Act would still only account for four percent of lands throughout the State, accounting for four hundred thousand acres.

Your Committees discussed exempting continuous ownership requirements and county infrastructure requirements from kuleana lands. Currently, many families are unable to prove continuous lineal ownership due to various inconsistencies between the traditional Native Hawaiian land tenure system and a Western land title system that has failed to incorporate and recognize the communal land values of traditional Native Hawaiian culture that include but are not limited to:

- (1) A break in title where families lost a quiet title or forced partition action, but then regained title;
- (2) Lack of recognition for lineal ownership due to lack of proof of blood quantum;

- (3) Preclusion of hānai children from asserting right to title; and
- (4) Lack of documentation to proof title necessary to establish continuous ownership.

Your Committees find that these issues raise concerns that merit further consideration as this measure proceeds.

Your Committees have amended this measure by:

- (1) Deleting its contents and inserting language that:
 - (A) Recognizes how native Hawaiians are connected to the 'āina through genealogy and provides more context around the value kuleana lands hold for the State;
 - (B) Urges the counties to expand property tax projections to include all lands purchased by Hawaiian Kingdom subjects under the Kuleana Act and whose titleholders can trace lineal ownership of such lands to the Kuleana Act;
 - (C) Recognizes and appreciates the pilina (relationship) native Hawaiians maintain with 'āina and the unique value this pilina contributes to Hawai'i's identity; and
 - (D) Continues to support the continual retention of lands by lineal descendants of Hawaiian Kingdom subjects who claimed land under the Kuleana Act to protect the special relationship between kānaka (people) and 'āina; 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 Ways and Means that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 39, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 39, S.D. 1.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Acasio, Ihara). Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 1116 Human Services on S.C.R. No. 70

The purpose and intent of this measure is to request the Department of Human Services to convene a task force to plan the certification and training process for community health workers.

Your Committee received testimony in support of this measure from the Hawai'i Primary Care Association; Kula no na Po'e Hawaii 'o Papakolea, Kewalo, Kalawahine; Hawai'i Public Health Institute, University of Hawai'i System, Kau Rural Health Community Association, Inc.; and seven individuals. Your Committee received comments on this measure from the Department of Human Services and the Department of Health.

Your Committee finds that during the coronavirus disease 2019 pandemic, many rural areas in the State were disconnected and unable to receive adequate health care services. Your Committee also finds that when rural communities struggled with connectivity, transportation, and financial obligations, community health workers provided a critical lifeline to ensuring that residents' health care needs were met. Your Committee further finds that families living in rural areas comprise diverse communities, including varying income, level of service availability, ethnicities, ages, living arrangements, and citizenship status, many of whom face language and cultural barriers that require specialized access to assistance and technology regarding health care issues. Accordingly, your Committee finds that increasing the number of community health care workers and standardizing their certification and training will help address these issues.

Your Committee has amended this measure by:

- (1) Deleting the request to have the Department of Human Services convene a task force;
- (2) Requesting the Auditor to conduct a sunrise analysis on the licensing and certification of community health workers;
- (3) Changing the title 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 Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 70, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 70, S.D. 1.

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

SCRep. 1117 Human Services on S.R. No. 52

The purpose and intent of this measure is to request the Department of Human Services to convene a task force to plan the certification and training process for community health workers.

Your Committee received testimony in support of this measure from the Hawai'i Primary Care Association; Kula no na Po'e Hawaii 'o Papakolea, Kewalo, Kalawahine; Hawai'i Public Health Institute, University of Hawai'i System, Kau Rural Health Community Association, Inc.; and seven individuals. Your Committee received comments on this measure from the Department of Human Services and the Department of Health.

Your Committee finds that during the coronavirus disease 2019 pandemic, many rural areas in the State were disconnected and unable to receive adequate health care services. Your Committee also finds that when rural communities struggled with connectivity,

transportation, and financial obligations, community health workers provided a critical lifeline to ensuring that residents' health care needs were met. Your Committee further finds that families living in rural areas comprise diverse communities, including varying income, level of service availability, ethnicities, ages, living arrangements, and citizenship status, many of whom face language and cultural barriers that require specialized access to assistance and technology regarding health care issues. Accordingly, your Committee finds that increasing the number of community health care workers and standardizing their certification and training will help address these issues.

Your Committee has amended this measure by:

- (1) Deleting the request to have the Department of Human Services convene a task force;
- (2) Requesting the Auditor to conduct a sunrise analysis on the licensing and certification of community health workers;
- (3) Changing the title 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 Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 52, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 52, S.D. 1.

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

SCRep. 1118 (Joint) Education and Government Operations on H.B. No. 515

The purpose and intent of this measure is to require the Auditor to perform an audit of the Department of Education's School Food Services Branch to determine how much local produce is being purchased and served to students.

Your Committees received testimony in support of this measure from the Department of Education, Ulupono Initiative, Hawai'i Farm Bureau, and one individual.

Your Committees find that the State should increase its use of local foods within the Department of Education's school meal programs. As such, it is in the State's best interest to establish a baseline which will assist the Department of Education in making administrative decisions to increase locally grown food in the State's schools. This measure supports the use of locally sourced produce in the State's schools by requiring a baseline determination of where produce used by the School Food Services Branch is being purchased and whether the produce is locally sourced.

Your Committees have 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 records of votes of the members of your Committees on Education and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 515, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 515, 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, 4. Noes, none. Excused, 1 (Dela Cruz). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 1119 Education on H.B. No. 11

The purpose and intent of this measure is to:

- (1) Require the Board of Education to develop statewide performance standards to be culturally relevant, historically and scientifically accurate, and nondiscriminatory;
- (2) Require a standards-based curriculum and its related educational materials to be nondiscriminatory;
- (3) Establish certain requirements for school complexes when developing standards-based curricula; and
- (4) Require reports to the Legislature.

Your Committee received testimony in support of this measure from the Department of Education, Office of Hawaiian Affairs, Democratic Party of Hawaiii Education Caucus, and two individuals. Your Committee received comments on this measure from the Board of Education.

Your Committee finds that to advance the fundamental democratic principles of equality, liberty, and justice for all, a quality school system must deliver instruction that is historically and scientifically accurate and free from discrimination. This measure will prepare students to participate in the advancement of a more equal society through the development and adoption of educational content that is culturally relevant, nondiscriminatory, and inclusive of the historical injustices endured by marginalized populations.

Your Committee has amended this measure by:

(1) Clarifying that performance standards adopted by the Board of Education may be culturally relevant, historically and scientifically accurate, and nondiscriminatory;

- (2) Specifying that when developing a standards-based curriculum and implementing it in a school or complex, the curriculum may be historically and scientifically accurate and nondiscriminatory with regard to race, ethnicity, sex, gender identity or expression, sexual orientation, color, religion, ancestry, or disability; 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 H.B. No. 11, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 11, 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, 5. Noes, none. Excused, none.

SCRep. 1120 Education on H.B. No. 613

The purpose and intent of this measure is to:

- (1) Make an emergency appropriation for fiscal year 2020-2021 from elementary and secondary school emergency relief fund (ESSER funds) monies received by the State from the CARES Act and CRRS Appropriations Act to offset any budget reductions that are identified or proposed by the Department of Education and the Governor that would result in the reduction of personnel who are subject to a collective bargaining agreement pursuant to chapter 89, Hawaii Revised Statutes, and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction;
- (2) Require the Board of Education and Superintendent of Education to certify in writing that the Board of Education, Superintendent, and Department of Education agree to certain conditions, including that the funds appropriated shall be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level; and
- (3) Make an appropriation for fiscal years 2021-2022 and 2022-2023 from the same source of funding and with the same conditions.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, HE'E Hui for Excellence in Education, Democratic Party of Hawai'i Education Caucus, and three individuals. Your Committee received comments on this measure from the Department of Education, Department of Budget and Finance, and Board of Education.

Your Committee finds that the states that received certain federal funds, including monies from the Elementary and Secondary School Emergency Relief Funds established by the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, 2020 (CARES Act), and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Public Law 116-260 (CRRSAA), are required to assure that they will maintain support for education programs during fiscal years 2019-2020 and 2020-2021 by meeting certain benchmarks. The State, through the Department of Education, must comply with the provisions of the federal Education Stabilization Fund as set forth in section 18006 of the CARES Act to receive and expend CARES Act and CRRSAA monies, which, in part, requires the Department of Education to continue to pay its employees. This measure will appropriate certain federal monies received by the State to the Department of Education to offset any budget reductions that have been identified or proposed by the Department of Education and the Governor that would result in the reduction of personnel who are subject to a collective bargaining agreement and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction.

Your Committee has amended this measure by:

- (1) Specifying that funds appropriated be used for salaries and wages of Department of Education officers and employees who are subject to a collective bargaining agreement pursuant to chapter 89, Hawaii Revised Statutes, and who are employed at the school level in the classroom; and
- (2) Inserting an effective date of July 1, 2051, 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. 613, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 613, 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, 5. Noes, none. Excused, none.

SCRep. 1121 Education on H.B. No. 1360

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) Require stipend fund repayments for the early childhood educator stipend program to be deposited into the early learning special fund.

Your Committee received testimony in support of this measure from the Executive Office on Early Learning, State Public Charter School Commission, Early Learning Board, Children's Action Network Speaks!, Kaulanakilohana, Parents and Children Together, National Association of School Psychologists, Early Childhood Action Strategy, and three individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that the demand for quality early care and education far exceeds the amount of available and qualified early childhood educators. Your Committee also finds that preschool teachers are amongst the lowest paid occupations, earning an average less than many non-skilled positions such as parking lot attendants. Moreover, it is difficult to attract individuals to this highly

specialized field with such low pay, and there is a common misperception that preschool teachers are babysitters. This measure will support those individuals seeking to become high-quality early childhood educators, thereby moving the State toward reaching its goal of increasing access to high-quality early learning 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 Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1360, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1360, 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. 1122 Human Services on H.B. No. 282

The purpose and intent of this measure is to permit a minor to consent to no cost emergency shelter and related services if the minor understands the benefits, responsibilities, risks, and limits of the shelter and services, and the minor agrees to adhere to the provider's rules and cooperate and participate in those services recommended by the provider.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network; LGBT Caucus of the Democratic Party of Hawai'i; Residential Youth Services and Empowerment; Partners in Care; Rainbow Family 808; Pride at Work - Hawaii; Hawai'i Health and Harm Reduction Center; Hawaii State AFL-CIO; Catholic Charities Hawai'i; Neighborhood Place of Puna; Hawaii Island Safe Net, Hawaii Island Coalition Against Human Trafficking, and three individuals. Your Committee received comments on this measure from the Governor's Coordinator on Homelessness; Department of Human Services, Social Service Division and Department of Human Services.

Your Committee finds that enabling minors to consent for admission to an emergency youth shelter ensures that they are able to escape the dangers of living on the streets, in those rare situations in which consent from a parent or legal guardian cannot be obtained. Your Committee further finds that a minor may consent to no cost emergency shelter and related services absent permission from the minor's parent, legal guardian, or legal custodian, if the provider reasonably believes that the minor would incur harm, or would be subject to threatened harm, if the minor returned immediately to the home of the parent, legal guardian, or legal custodian. Your Committee also finds that any provider must make a reasonable attempt to contact the minor's parent, legal guardian, or legal custodian.

Your Committee heard the testimony of the governor's coordinator on Homelessness who commented that the existing definition of "provider" in section 346-17(h), Hawaii Revised Statutes, is too restrictive and may keep some youth service providers from offering temporary shelter to minors. The coordinator suggested that a broader definition could be enacted for a period of years during which the Department of Human Services could monitor any impacts stemming from the amended definition.

Your Committee has amended this measure by:

- (1) Amending the definition of "provider";
- (2) Making it effective upon its approval; provided there is a sunset date of June 30, 2023; 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 282, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 282, H.D. 1, 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. 1123 (Joint) Agriculture and Environment and Water and Land on H.B. No. 237

The purpose and intent of this measure is to appropriate funds to the Department of Agriculture for the mitigation and control of the two-lined spittlebug and recovery of the rangelands damaged by the invasive pest.

Your Committees received testimony in support of this measure from the Department of Agriculture; University of Hawai'i College of Tropical Agriculture and Human Resources; New Island Feed, Inc.; Land Use Research Foundation of Hawaii; Larry Jefts Farms, LLC; Hawaii Meats, LLC; Ulupono Initiative LLC; Kualoa Ranch; Hawaii Cattlemen's Council, Inc.; Kealia Ranch; Ulupalakua Ranch; Ponoholo Ranch Limited; Hawai'i Farm Bureau; Local Food Coalition; Rocker G Livestock; Maui Chamber of Commerce; and eight individuals.

Your Committees find that invasive species are a primary threat to Hawaii's agriculture and economy. Funding for control of invasive species is critical to ensure that appropriate responses can be implemented and maintained which mitigate negative impacts on agriculture, the environment, and the economy. The two-lined spittlebug was first detected in Kailua-Kona in September 2016, where it damaged nearly two thousand acres of pasture land. As of October 2019, damage from infestation has increased to 142,468 acres of range lands on the island of Hawaii, thereby decreasing the nutritional value, palatability, and productivity of key forages. In highly infested areas, there is one hundred percent die-off of key pasture grasses such as Kikuyu and Pangola, which are widely used high quality forage for pastures. Rapid spread and die-off due to this pest are affecting the local livestock industry and pose a massive threat to production on the island of Hawaii. Additionally, the loss of living ground cover leaves land vulnerable to soil loss, which contributes to sediment-laden runoff into our near shore coastal waters, thereby affecting coral reef health. Your Committees find that protecting these pasture lands are in the best interest of the State, as it is in line with the Department of Agriculture's mission of increasing local food production and protecting agricultural capacity for the State.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$659,000 out of the pest inspection, quarantine, and eradication fund for fiscal year 2021-2022 and the same sum for fiscal year 2022-2023; and
- (2) Inserting an effective date of July 1, 2021.

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. 237, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 237, 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.

Agriculture and Environment: Ayes, 5; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none. Water and Land: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1124 (Joint) Agriculture and Environment and Water and Land on H.B. No. 247

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, to ensure:

- (1) Farm dwellings on agricultural lands are accessories to a farm, or where the agricultural activities provide income of no less than \$10,000 per year to the family occupying the dwelling, and verified by general excise tax return filing or agricultural tax dedication;
- (2) Structures on subdivided leasehold subdivisions of agricultural land are subject to county enforcement authority; and
- (3) Applications for registration of condominium property regimes of agricultural land include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, other requirements pursuant to county ordinances and rule, and the developer's public report pursuant to section 514B-52, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Agriculture; Department of Commerce and Consumer Affairs Real Estate Commission; Office of Planning; City and County of Honolulu Department of Planning and Permitting; Ulupono Initiative LLC; Kauai Kunana Dairy; Hawaii Cattlemen's Council, Inc.; Hawai'i Farm Bureau; and six individuals. Your Committees received testimony in opposition to this measure from twenty-two individuals and a petition signed by seven hundred fifty-six individuals. Your Committees received comments on this measure from the Department of Taxation.

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.

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. In addition, this measure allows meaningful county input in the condominium property regime process involving agricultural lands to ensure availability of necessary supportive infrastructure and identify and mitigate any potential negative impacts to environmentally or culturally significant resources.

Your Committees have amended this measure by:

- Removing the requirement of farm dwellings to generate income of no less than \$10,000 per year for families occupying the dwelling; and
- (2) 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 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. 247, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 247, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection 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. 1125 (Joint) Human Services and Health on H.B. No. 311

The purpose and intent of this measure is to:

- (1) Extend the nursing facility sustainability program to 2024;
- (2) Extend the period of time for which the nursing facility sustainability fee may be used to enhance capitated rates paid to medicaid managed care health plans;
- (3) Allow nursing facilities sixty days to pay the nursing facility sustainability fee;
- (4) Specify that the nursing facility sustainability fee limit is 5.5 percent of the overall net patient service revenue;

- (5) Remove the per resident daily maximum fee of \$20 for each facility;
- (6) Specify that facilities that meet certain exceptions shall pay a reduced daily fee in comparison to other participating facilities; and
- (7) Make an appropriation.

Your Committees received testimony in support of this measure from the Department of Human Services, Hawai'i Primary Care Association, Aloha Nursing Rehab Centre, The Queen's Health Systems, and Healthcare Association of Hawaii.

Your Committees find that the nursing facility sustainability program has, since its establishment in 2012, served a critical role in strengthening the long-term care system in Hawaii. Your Committees further find that even with this program, nursing facilities in the State still face major challenges, due in part to the health and financial pressures related to the coronavirus disease 2019 (COVID-19) pandemic. Your Committees also find that provider fees, which are collected from specific categories of health care providers, may be imposed on different classes of health care services, including inpatient and outpatient hospital and nursing facility services. Your Committees find that provider fees exist in forty-nine states and the District of Columbia as a means of drawing down federal funds sustain their medicaid programs due rising state budget deficits, increasing health care costs, and expanding medicaid enrollment. The additional federal funds obtained via the fee program authorized by the nursing facility sustainability program can maintain access to care and efficient delivery of health care for medicaid recipients, which will allow nursing facilities in the State to continue to provide a safety net for medicaid recipients and under-insured or uninsured patients.

Your Committees have amended this measure by:

- (1) Inserting an effective date of June 29, 2021; provided that sections 8 and 9 of this measure shall take effect on July 1, 2021;
- (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 Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 311, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 311, H.D. 1, S.D. 1, and be referred to your Committees on Ways and Means and Commerce and Consumer Protection.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 5. Noes, none. Excused, none. Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1126 (Joint) Human Services and Health on H.B. No. 1283

The purpose and intent of this measure is to require employers of first responders to develop and provide dementia training, including de-escalation tactics, to aid first responders when they encounter individuals exhibiting possible dementia behavior.

Your Committees received testimony in support of this measure from the Alzheimer's Association Hawaii, AARP Hawai'i, Alzheimer's Association Aloha Chapter, CareOps Consulting, LLC, and twenty-four individuals. Your Committees received testimony in opposition to this measure from the Honolulu Police Department. Your Committees received comments on this measure from the Department of Health and Executive Office on Aging.

Your Committees find that individuals with dementia often wander from home or safety and may not be able to recall their own address or name. When these individuals are lost, they can exhibit behaviors that appear uncooperative, disruptive, or combative, which may lead to more aggressive behaviors. Your Committees further find that first responders would benefit from training that would equip them to better manage encounters with individuals who may be suffering from dementia.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1283, H.D. 1, 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, 5. Noes, none. Excused, none. Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1127 (Joint) Education and Health on H.B. No. 812

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
- (2) Require a report to the Legislature.

Your Committees received testimony in support of this measure from Hawaii Youth Services Network, Hawai'i Primary Care Association, Hawaii Substance Abuse Coalition, and Hale Kipa. Your Committees received comments on this measure from the Department of Education and Department of Health.

Your Committees find that incorporating trauma-informed education in the State's public education system will help to address adverse childhood experiences. Trauma-informed education involves mental health education for students, teachers, staff, parents, and community members, adds a flexible, responsive, and measured strategy for addressing trauma, and would be an important component to the Department of Education's multi-tier system of supports. Incorporating a trauma-informed education program in the public schools will enhance the staff's trauma awareness and skills to recognize behavior that results from exposure to trauma.

Your Committees further find that the Nanakuli-Waianae complex area has incorporated trauma-informed education into its schools and, since 2015, has seen a reduction in the suspension and absenteeism rates and an increase in graduation and teacher retention rates. The windward district, which includes the Castle, Kailua, and Kalaheo complex areas, created the Compassionate Koolaupoko Coalition, which includes numerous stakeholders who are currently working to bring trauma-informed education to the district. A few schools in the district have already been trained in trauma-informed education. This measure will establish a three-year pilot program to develop a trauma-informed education program similar to the one in the Nanakuli-Waianae complex area in the Castle, Kailua, and Kalaheo complexes to reduce violence and absenteeism and help students to improve in their academic performance.

Your Committees note that additional expenditures may be necessary to effectuate the program.

Your Committees have amended this measure by 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 Education and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 812, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 812, 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, 5. Noes, none. Excused, none. Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1128 (Joint) Education and Agriculture and Environment on H.B. No. 767

The purpose and intent of this measure is to:

- (1) Move the Hawaii farm to school program from the Department of Agriculture to the Department of Education;
- (2) Establish a programmatic goal for the Department of Education that at least thirty percent of food served in public schools shall consist of locally sourced products by 2030; and
- (3) Create an annual reporting requirement.

Your Committees received testimony in support of this measure from the Department of Education; Department of Agriculture; Ulupono Initiative; Hawai'i Farm Bureau; Hawai'i Public Health Institute; Local Food Coalition; Hawaii Cattlemen's Council, Inc; Land Use Research Foundation of Hawaii; Environmental Caucus of the Democratic Party of Hawai'i; Hawai'i Primary Care Association; University of Hawaii West Oʻahu Food+ Policy Internship 2021; Hawai'i Seed; Pono Hawai'i Initiative; Hawaii Meats, LLC; Hawai'i Alliance for Progressive Action; Kauai Climate Action Coalition; Climate Protectors Hawai'i; Our Revolution Hawaii; Foresight/Policy Analysis; Apollo Kauai, Zero Waste Kauai; and eighty individuals. Your Committees received comments on this measure from one individual.

Your Committees find that the primary reason for the creation of the Hawaii farm to school program in 2015 was to improve the health of the State's keiki by encouraging consumption of fresh, locally grown foods, both for their nutritional content and to promote healthy behaviors at an early age. Your Committees further find that setting a target goal of providing a fixed minimum percentage of locally sourced food in public schools can bring the farm to school program closer to achieving tangible results for the health of Hawaii's students, including an increased consumption of fresh fruits and vegetables and the potential to minimize diet-related diseases in childhood, such as obesity and diabetes. This measure is a necessary step to determine a baseline for how much food is currently locally sourced in order to begin monitoring any movement to fulfill the goal of thirty percent.

Your Committees note that in order to achieve the goal of thirty percent of food being served in public schools by 2030, the Department of Education should employ multiple strategies, such as geographic preferences in procurement, inclusion of food hubs, and other localized strategy.

Your Committees have amended this measure by removing institutions other than public schools from the farm to school program.

As affirmed by the records of votes of the members of your Committees on Education and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 767, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 767, 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. Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz). Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 1129 Energy, Economic Development, and Tourism on H.B. No. 558

The purpose and intent of this measure is to:

- (1) Create a clean energy and energy efficiency revolving loan fund to finance a broad range of clean energy technologies;
- (2) Expand the objective of the Hawaii green infrastructure special fund \$50,000,000 sub-fund to allow state agencies to finance their purchase option under existing energy performance contracts and power purchase agreements;
- (3) Repeal the building energy efficiency revolving loan fund; and
- (4) Make an appropriation out of the clean energy and energy efficiency revolving loan fund to provide clean energy investment loans or for other approved uses.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Office of Economic Development, Hawaii Green Infrastructure Authority, Blue Planet, Climate Protectors Hawaii and two individuals. Your Committee

received comments on this measure from the Department of Commerce and Consumer Affairs; Department of Budget and Finance; Public Utilities Commission; and the City and County of Honolulu Office of Climate Change, Sustainability, and Resiliency.

Your Committee finds that the State has set ambitious goals for reducing energy costs, driving higher-paying green job creation and retention, and saving billions of dollars currently spent on importing petroleum. To meet these goals while simultaneously addressing the budget shortfalls attributed to the deleterious effects of the coronavirus disease 2019 pandemic on the State's economy, the State must pursue innovative ways of making funds available aside from bond financing. This measure would allow the Hawaii Green Infrastructure Authority to access flexible, low-cost loan capital and facilitate green infrastructure investments in rural areas across the State. The measure would also enable the State to finance a broad range of clean energy technologies, including electric vehicle charging stations and the electrification of the State's vehicle fleet, by utilizing a new cashflow stream generated by savings from the exercise of purchase options in existing power purchase agreements. Your Committee further finds that these infrastructure investments can help to kick-start the State's economy.

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. 558, 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, 5. Noes, none. Excused, none.

SCRep. 1130 Energy, Economic Development, and Tourism on H.B. No. 1333

The purpose and intent of this measure is to require and appropriate funds for the Hawaii State Energy Office, in consultation with the Department of Health, to conduct a comprehensive study to determine the best practices for the disposal and recycling of discarded clean energy products in the State.

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

Your Committee finds that solar panels have a life expectancy of up to thirty years, and panels installed in the 1990s will require disposal in the very near future. Heavy metals such as cadmium and lead are found in solar cells, which can harm the natural environment if not recycled or disposed of properly. This measure ensures that the best practices for proper disposal and recycling of discarded clean energy products can be adopted to prevent excess waste and harm to the environment.

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. 1333, 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. 1131 Energy, Economic Development, and Tourism on H.B. No. 1191

The purpose and intent of this measure is to:

- (1) Establish the Broadband Infrastructure Grant Program to award grants to extend the deployment of facilities used to provide broadband service to unserved areas of the State;
- (2) Rename the Hawaii technology loan revolving fund to the Hawaii broadband infrastructure fund and changing the types of funds to be deposited into the fund; and
- (3) Authorize the issuance of general obligation bonds for the Broadband Infrastructure Grant Program.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Transportation; Department of Health; Maui Chamber of Commerce; Hawai'i Primary Care Association; AlohaCare; Charter Communications; Office of Information Practices; AARP Hawai'i; and one individual. Your Committee received comments on this measure from the Department of Budget and Finance and Hawaiian Telcom.

Your Committee finds that it is critical to improve access to broadband services for residents, consumers, and businesses across the State. Although broadband coverage in the State is widespread, additional investment can be made to keep up with needs in rural communities to bridge the digital divide. Your Committee further finds that the Broadband Infrastructure Grant Program facilitates deployment of infrastructure necessary to bring broadband service to unserved and underserved areas of the State. Project eligibility under the Broadband Infrastructure Grant Program is currently limited to unserved areas and excludes areas partially served by an existing provider. However, your Committee also finds that inclusion of partially served areas in the Broadband Infrastructure Grant Program eligibility requirements will foster full development of the broadband infrastructure throughout the State.

Your Committee also notes that while the Broadband Infrastructure Grant Program is intended to be complementary to the Federal Communications Commission's Rural Digital Opportunity Fund, it is important to ensure that the Broadband Infrastructure Grant Program does not duplicate funding in those areas where the federal government has specifically directed funding for broadband expansion.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying the meaning of "unserved area" to specify that it does not include locations where federal funding has been awarded pursuant to the Rural Digital Opportunity Fund for the deployment or expansion of broadband networks;
- (2) Expanding project eligibility requirements under the Hawaii Broadband Infrastructure Grant Program to include those areas that are partially-served by an existing provider;

- (3) Allowing applicants to designate material as confidential or a challenger to request confidential treatment, but only require the Department of Business, Economic Development, and Tourism to treat the information as confidential to the extent it is in fact protected under the Uniform Information Practices Act;
- (4) Increasing the minimum amount an applicant is required to commit to paying for project costs from forty percent to fifty percent; 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. 1191, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1191, 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. 1132 (Joint) Energy, Economic Development, and Tourism and Higher Education on H.B. No. 862

The purpose and intent of this measure is to:

- (1) Abolish the Office of Aerospace Development, Aerospace Advisory Committee, and the Hawaii Unmanned Aerial Systems Test Site Advisory Board; and
- (2) Specify that the Pacific International Space Center for Exploration Systems shall be administratively attached to the University of Hawaii at Hiko Imiloa rather than the Department of Business, Economic Development, and Tourism.

Prior to hearing this measure, your Committees made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1, in addition to the original contents of the measure:

- (1) Transfers the administration of the Challenger Center Hawaii program from the Office of Aerospace Development to the Department of Education for administrative purposes; and
- (2) Transfers all appropriations for the Challenger Center Hawaii Program from the Office of Aerospace Development to the Department of Education.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Education, University of Hawai'i System, Challenger Center Hawaii, Pacific International Space Center for Exploration Systems, Canada-France-Hawaii Telescope Corporation, Sustainable Energy Hawai'i, Smarter Building Systems LLC, and eleven individuals. Your Committees received comments on the proposed S.D. 1 from the Department of Business, Economic Development, and Tourism.

Your Committees find that Hawaii plays an important role in the development of the aerospace industry and given the current economic situation in the State, it is critical for the State to consider reallocating its limited resources by eliminating certain state agencies. While recognizing the need to reallocate resources, your Committees also recognize the vital role that the Pacific International Space Center for Exploration plays in facilitating aerospace economic development projects, workforce development, and outreach programs.

Your Committees also recognize that the Challenger Center Hawaii Program adds value to the State's education system. The Challenger Center Hawaii Program is a once-in-a-lifetime experience that offers middle-school students the opportunity to apply both critical and creative thinking in a real-world collaborative space exploration scenario. Through this program, students are immersed in a fully-integrated Science, Technology, Engineering, and Mathematics (STEM) experience based on core concepts that enhance their aptitude in a wide variety of foundational life skills, which serves as a springboard for students to embark in STEM careers.

Your Committees have amended this measure by specifying that the Executive Director of the Pacific International Space Center for Exploration Systems shall oversee and manage the Unmanned Aircraft Systems Program.

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 H.B. No. 862, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 862, 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, 5. Noes, none. Excused, none. Higher Education: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Kidani).

SCRep. 1133 (Joint) Energy, Economic Development, and Tourism and Government Operations on H.B. No. 550

The purpose and intent of this measure is to:

- Require state facilities, with the exception of smaller facilities and facilities at Aloha Stadium, to implement cost-effective energy efficiency measures;
- (2) Direct the Hawaii State Energy Office to collect all state-owned facilities' utility bill and energy usage data and make this data publicly available;
- (3) Establish a goal for the State to achieve at least a twenty-five percent reduction in the electricity consumption of state facilities;

- (4) Provide that certain agencies that perform energy efficiency retrofitting may continue to receive budget appropriations for energy expenditures; and
- (5) Require, beginning July 1, 2022, where feasible and cost-effective, the design of all new state building construction to maximize energy generation, water efficiency, energy efficiency, and energy generation potential, and to use building materials that reduce the carbon footprint of the project.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, Hawaii Energy, Plumbers and Fitters Local 675 United Association, Ulupono Initiative, Blue Plant, 350Hawaii, and three individuals. Your Committees received comments on this measure from the Department of Education, Department of Accounting and General Services, Chamber of Commerce Hawaii, and one individual.

Your Committees find that energy efficiency is the most cost-effective way to reduce emissions associated with electricity generation and that reducing the demand for power generation is a necessary component of reaching the State's goal of one hundred percent renewable energy by 2045.

Your Committees further find that energy used to power buildings accounts for more than fifty percent of electricity consumed in the State, yet the State has not undertaken improvements for increased efficiency in many of its own facilities, forgoing millions of dollars in potential savings. Your Committees believe that it is important for the State to lead by example when it comes to energy efficiency, and this measure offers a statewide coordinated approach that improves energy efficiency for state facilities through smart energy management that reduces energy usage in certain state facilities.

Your Committees have amended this measure by:

- (1) Changing the term "Aloha Stadium" to the "Stadium Development District";
- (2) Requiring the Hawaii Natural Energy Institute, instead of the Hawaii State Energy Office, to conduct the usage study;
- (3) Allowing the Department of Accounting and General Services to opt out of the energy-efficiency requirements if the facility will be demolished within five years;
- (4) Clarifying language that the facilities must be state-owned; 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. 550, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 550, 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, 4. Noes, none. Excused, 1 (Fevella).

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

SCRep. 1134 Commerce and Consumer Protection on H.B. No. 446

The purpose and intent of this measure is to:

- (1) Establish a new offense of theft of a catalytic converter;
- (2) Require vehicle registration records to be kept for businesses engaged in the selling or negotiating the purchase of used motor vehicle parts or accessories or licensed to wreck, salvage, or dismantle motor vehicles;
- (3) Require these businesses to refuse purchase of used motor vehicle parts or accessories and report the attempted sale to police if a seller does not provide certain information; and
- (4) Change the fine for any violations of the used motor vehicle parts and accessories laws.

Your Committee received testimony in support of this measure from the City and County of Honolulu Department of the Prosecuting Attorney, Hawaii Transportation Association, Roberts Hawaii, National Insurance Crime Bureau, American Property Casualty Insurance Association, Hawaii Insurers Council, AAA Hawaii, and one individual. Your Committee received comments on this measure from Schnitzer Steel Hawaii.

Your Committee finds that catalytic converters have precious metals inside of them that act as catalysts in removing toxic elements from a motor vehicle's exhaust stream. Due to the high value of these metals, theft of catalytic converters is on the rise, not just locally, but nationwide. Theft of a catalytic converter renders a vehicle inoperable and is extremely costly to replace, especially in the case of commercial motor vehicles, which can lead to delays of services due to low inventory of parts and accessories for these vehicles. This measure establishes a new offense for theft of a catalytic converter and also holds businesses that buy and sell used motor vehicle parts more accountable over suspicious transactions involving catalytic converters.

Your Committee has amended this measure by:

- (1) Clarifying a person commits the offense of theft of a catalytic converter if the person:
 - (A) Obtains a catalytic converter through any means described in section 708-830, Hawaii Revised Statutes; or
 - (B) Violates section 289-6, Hawaii Revised Statutes, in regard to a catalytic converter;

- (2) Clarifying that licensees dealing in used motor vehicle parts and accessories shall maintain certain records containing the name, address, vehicle registration, and a photocopy of the driver's license of all persons from whom parts, accessories, or vehicles are purchased or received;
- (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 record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 446, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 446, H.D. 3, 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. 1135 Commerce and Consumer Protection on H.B. No. 1192

The purpose and intent of this measure is to:

- (1) Transition from lump sum deferred deposit transactions to installment loan transactions;
- (2) Specify various consumer protection requirements for installment loans;
- (3) Beginning January 1, 2023, require licensure for installment lenders that offer installment loans to consumers;
- (4) Require check cashers to offer a voluntary payment plan to customers under certain circumstances;
- (5) Clarify that a customer may only have one outstanding deferred deposit transaction from any source;
- (6) Require the Division of Financial Institutions of the Department of Commerce and Consumer Affairs to report on the implementation of installment loan transaction requirements and the transition of check cashers who engage in deferred deposit transaction to installment lenders;
- (7) Appropriate funds to the Division of Financial Institutions for positions and resources; and
- (8) Repeal the statutory authorization for deferred deposit transactions on July 1, 2023.

Your Committee received testimony in support of this measure from Dollar Financial Group. Your Committee received testimony in opposition to this measure from The Pew Charitable Trusts; Maui Loan, Inc.; and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Hawaii Financial Services Association.

Your Committee finds that nearly one quarter of all Hawaii households use an alternative financial service product, such as a check cashing or payday loan service, at least once during the year. However, due to the lack of certain protections in existing deferred deposit laws, consumers can easily get trapped in unsustainable cycles of debt. Installment loans, rather than traditional payday loans, allow unbanked and underbanked persons to utilize more traditional financial products. This measure would transition the market of payday loans to installment loans over a two-year period and implement certain consumer protections for deferred deposit transactions.

Your Committee notes the concerns raised in testimony that this measure, as currently drafted, does not sufficiently resolve Hawaii's payday loan problem. Specifically, this measure would establish a minimum loan amount of \$600, which does not serve the needs of borrowers who want access to smaller loans. It also allows high fees and unrealistically short-term loans with unaffordable payment amounts. Further, the two-year transition period does not provide the immediate protections needed in today's payday lending industry.

Your Committee further notes that the Department of Commerce and Consumer Affairs' Division of Financial Institutions (DFI) and interested stakeholders have had an opportunity to discuss potential amendments to this measure to ensure proper protections for consumers who utilize small-dollar loan products. Amendments to this measure are therefore necessary to incorporate this consensus language.

Accordingly, your Committee has amended this measure by:

- (1) Updating section 1 to reflect its amended purpose;
- (2) Amending the definitions of "control", "control person", "finance charges", "instrument", "interest", and "loan charges";
- (3) Inserting a definition for the term "nonprofit organization";
- (4) Deleting the minimum installment loan amount of \$600 and clarifying the total amount of the installment loan shall not be greater than \$1,500;
- (5) Amending the monthly maintenance fees that may be charged by lenders based on a scale of certain original principal loan amounts;
- (6) Clarifying the minimum and maximum contracted repayment terms for installment loans;
- (7) Inserting language clarifying that written agreements for installment loans shall contain a statement that an installment lender shall not require a consumer to purchase add-on products;
- (8) Clarifying a consumer has the right to rescind an installment loan before 5:00 P.M., Hawaii-Aleutian Standard Time, by the third business day at the location where the loan was originated;

- (9) Inserting language that it shall not be a violation of law if a consumer obtains an installment loan voluntarily and separately from the consumer's spouse if the consumer documents the action in writing, either in the written agreement or in a subsequent agreement;
- (10) Inserting language that requires an installment lender to wait a period of three days before the lender may make another installment loan to the same consumer;
- (11) Clarifying that an installment lender shall not negotiate or present an instrument for payment unless the instrument is endorsed with the actual business name of the lender;
- (12) Specifying that, prior to an installment lender negotiating or presenting the instrument, a consumer may redeem any instrument held by the lender as a result of an installment loan if the consumer pays the full amount of the instrument to the lender:
- (13) Clarifying that any loan made in violation of the licensing provisions is void, and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the loan;
- (14) Amending the fees an installment lender shall pay to DFI to obtain and maintain a valid license;
- (15) Clarifying that a nonprofit organization shall pay certain fees to maintain a valid registration as a nonprofit organization in NMLS:
- (16) Specifying each installment lender shall pay a nonrefundable fee of \$100 to DFI for each office that is relocated;
- (17) Deleting language that would have required check cashers subject to chapter 480F, Hawaii Revised Statutes, to offer consumers the option of participating in voluntary payment plans and limiting consumers to one deferred deposit transaction at a time from all sources;
- (18) Deleting language that would have required DFI to submit a report on the implementation of this measure and the progress of transitioning payday lenders to installment lenders to the Legislature;
- (19) Deleting the appropriation to the Department of Commerce and Consumer Affairs for the purposes of hiring two full-time equivalent (2.0 FTE) permanent examiners to carry out the purposes of the installment loan program;
- (20) Inserting an effective date of July 1, 2021, provided that the licensing requirements for installment lenders shall take effect on January 1, 2022, and provided further that the repealing of certain sections in chapter 480F, Hawaii Revised Statutes, relating to check cashers shall take effect on January 1, 2022; and
- (21) Making 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1192, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1192, 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. 1136 Commerce and Consumer Protection on H.B. No. 78

The purpose and intent of this measure is to eliminate the requirement for a public utility to seek approval from the Public Utilities Commission for the underground construction of high-voltage electric transmission lines if certain conditions are met.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Public Utilities Commission, Hawaiian Electric Company, and one individual.

Your Committee finds that, under existing law, public utilities must obtain approval from the Public Utilities Commission (Commission) for constructing underground transmission systems. Part of this approval process includes an evaluation by the Commission to determine whether the benefits of undergrounding, as opposed to overhead construction, justify the total cost to build transmission lines below ground, as the costs are significantly higher than overhead construction and are ultimately passed on to the ratepayers. However, if an entity other than a public utility is responsible for the cost of undergrounding, such as a developer or other agency, there is no direct ratepayer burden to weigh against the benefits of undergrounding, and requiring approval from the Commission in these circumstances can unnecessarily increase the Commission's workload. Your Committee notes this measure only exempts public utilities from the requirement to obtain approval from the Commission for constructing underground high-voltage transmission line systems when the cost of undergrounding is paid for by an entity other than the public utility (i.e., not the ratepayers). Accordingly, this measure will help streamline the regulatory process while maintaining appropriate oversight of public utility operations and investments.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 78, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 78, 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. Noes, none. Excused, none.

SCRep. 1137 (Joint) Education and Hawaiian Affairs on H.B. No. 753

The purpose and intent of this measure is to exclude housing developed by the Department of Hawaiian Home Lands from school impact fees.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Office of Hawaiian Affairs, and one individual. Your Committees received comments on this measure from the Department of Education.

Your Committees have amended this measure by:

- (1) Specifying that construction cost component impact fees are allowed to be used to improve or renovate existing structures for school use;
- (2) Repealing the requirement that an expenditure plan for all collected impact fees be incorporated into the Department of Education's annual budget process; and
- (3) Inserting a three-year sunset date for the exemption from school impact fees housing developed by the Department of Hawaiian Home Lands.

As affirmed by the records of votes of the members of your Committees on Education and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 753, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 753, 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. Education: Ayes, 4; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, 1 (Dela Cruz). Hawaiian Affairs: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Ihara).

SCRep. 1138 (Joint) Labor, Culture and the Arts and Education on H.B. No. 125

The purpose and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act to protect the online accounts maintained by employees, prospective employees, unpaid interns, independent contractors, students, prospective students, and parents or legal guardians of students under the age of majority from employers and educational institutions.

Your Committees received testimony in support of this measure from the Department of Education, Hawai'i Civil Rights Commission, and Commission to Promote Uniform Legislation.

Your Committees find that privacy is a growing concern as social media use rises and employers increasingly ask current and prospective employees to grant the employer access to their social media accounts. Likewise, many educational institutions seek to examine the social media presence of current and prospective students and ask for access to their accounts. Your Committees further find that in recent years there have been a number of reported incidents in which employers and educational institutions have demanded and were granted access to non-public information on their employees' and students' personal online accounts. This measure prevents employers and educational institutions from coercing persons who typically have less than equal bargaining power into granting them access to non-public information on personal online accounts while allowing for narrow and justified exceptions.

Your Committees note that this measure adopts the Uniform Employee and Student Online Privacy Protection Act that was drafted by the National Conference of Commissioners of Uniform State Laws (also known as the Uniform Law Commission) and incorporates language from the Personal Online Account Privacy Act drafted by the American Civil Liberties Union.

Your Committees have amended this measure by:

- (1) Clarifying that a student under the age of majority means a student under the age of eighteen years; 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 Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 125, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 125, H.D. 2, 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, 5. Noes, none. Excused, none. Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 1139 Ways and Means on H.B. No. 1

The purpose and intent of this measure is to appropriate funds for the legislative branch of the State of Hawaii.

More specifically, this measure:

- (1) Appropriates funds for the Senate, House of Representatives, Office of the Auditor, Legislative Reference Bureau, Office of the Ombudsman, and State Ethics Commission up to June 30, 2022;
- (2) Requires that payment of Senate expenses between the 2021 and 2022 Regular Sessions be made only after the approval of the President of the Senate and that payment of House of Representatives expenses during that same period be made only after the approval of the Speaker of the House of Representatives;

- (3) Requires that the accounts of the Senate and the House of Representatives be audited before January 19, 2022; and
- (4) Provides that the expenses of any member of the legislature while traveling abroad on official business shall be \$145 per day.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission, Office of the Auditor, and Office of the Ombudsman, and one individual.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that this measure appropriates sufficient funds to defray necessary expenses of the Senate and House of Representatives, including expenses for a legislative information system and legislative broadcasting system, along with funds necessary to support the operations of the Office of the Auditor, Legislative Reference Bureau, Office of the Ombudsman, and 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. 1, 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, 11. Noes, none. Excused, none.

SCRep. 1140 Commerce and Consumer Protection on H.B. No. 1376

The purpose and intent of this measure is to:

- (1) Extend the period for a notice of summary possession from five days to fifteen days;
- (2) Require landlords to enter into mediation and delay when a landlord may seek possession of a dwelling unit if the tenant schedules or attempts to schedule mediation;
- (3) Require landlords to provide the notice to mediation centers that offer free mediation for residential landlord-tenant disputes;
- (4) Restrict when a landlord may exercise these remedies depending on the amount of rent due;
- (5) Appropriate funds for the judiciary to contract for mediation services; and
- (6) Repeal one year after the expiration date of the final eviction moratorium imposed pursuant to a coronavirus disease 2019 (COVID-19) state of emergency proclamation.

Your Committee received testimony in support of this measure from the Hawaii Housing and Finance Development Corporation, Department of Commerce and Consumer Affairs, Catholic Charities Hawai'i, and Hawai'i Association of REALTORS. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that, due to the COVID-19 pandemic, thousands of Hawaii residents have lost their jobs, including both housing providers and renters. To help protect those unable to pay rent, there has been an eviction moratorium in Hawaii since April 2020, and a federal eviction mortarium is currently set to expire on April 13, 2021. Hawaii cannot afford a new surge in homelessness, nor can it afford a wave of outmigration of working families seeking other alternatives on the mainland. Accordingly, this measure provides a balanced approach by encouraging communication between both the renter and landlord, facilitates mediation to help both parties understand their options, and benefits the Judiciary by reducing the large number of summary possession cases it will need to dispose of when the COVID-19 pandemic eviction moratoriums ultimately expire.

Your Committee notes that the companion to this measure, S.B. No. 1388, S.D. 2 (Regular Session of 2021), which was previously passed by the Senate, is a substantially similar measure that also extends the period of a notice of summary possession from five days to fifteen days, requires landlords to enter into mediation, and delays when a landlord may seek possession of a dwelling unit if the tenant schedules or attempts to schedule mediation. Your Committee concludes that the language in S.B. No. 1388, S.D. 2, is preferable because it contains a purpose and findings clause, contains preferred clarifying amendments, and does not contain appropriation language.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 1388, S.D. 2, a substantially similar measure, which:
 - (A) Extends the required period for a notice of summary possession from five days to fifteen days;
 - (B) Requires landlords to provide notice with specified terms and enter into mediation;
 - (C) Delays when a landlord may seek possession of a dwelling unit if the tenant schedules or attempts to schedule mediation;
 - (D) Requires landlords to provide the notice to mediation centers that offer free mediation for residential landlord-tenant disputes;
 - (E) Restricts when a landlord may exercise these remedies depending on the amount of rent due; and
 - (F) Repeals one year after expiration of the Governor's final eviction moratorium emergency supplementary proclamation related to the COVID-19 pandemic;
- (2) Inserting an effective date of July 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1376, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1376, 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, 7. Noes, none. Excused, none.

SCRep. 1141 Commerce and Consumer Protection on H.B. No. 824

The purpose and intent of this measure is to require any express carrier company, common or contract carrier, except water carriers as defined and regulated by the Surface Transportation Board of the United States, or other person that transports liquor from outside the State for delivery in the State to prepare and file a monthly report with the liquor commission or liquor control adjudication board of each county.

Your Committee received testimony in support of this measure from the Hawaii Liquor Wholesalers Association.

Your Committee finds that direct shipment of wine is allowed under existing law, as small local wineries are not regularly able to find licensed wholesalers to distribute their wine to consumers outside their county. Other states that also allow direct shipment have found, through carrier reporting, that large amounts of liquor have been shipped into their states without payment of liquor, excise, and income tax, resulting in a loss of tax revenue to the states. Likewise, in Hawaii, illegal shipments of liquor hurt the State's economy, can result in loss of income and jobs to local residents, and constitutes unlawful and unfair competition. Accordingly, this measure requires the carriers of liquor to report the amount of statewide liquor being shipped and shipper information to the liquor commissions or liquor control adjudication boards, to determine and analyze the shipments made to each county and confirm whether the shipper has complied with the requirements to obtain permits and pay all applicable taxes.

Your Committee has amended this measure by inserting an effective date of July 1, 2021.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 824, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 824, 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, 7. Noes, none. Excused, none.

SCRep. 1142 (Joint) Transportation and Energy, Economic Development, and Tourism on H.B. No. 683

The purpose and intent of this measure is to establish a sustainable aviation fuel program that provides matching grants to any small business in Hawaii that is developing products related to sustainable aviation fuel or products that would otherwise reduce greenhouse gasses from commercial aviation operations.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, Hawaii Bioeconomy Trade Organization, Airlines for America, Climate Protectors Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, and nine individuals. Your Committees received comments on this measure from the Office of Planning and Hawaii Technology Development Corporation.

Your Committees find that tourism is the number one driver of Hawaii's economy and that over ninety-five percent of visitors to the State arrive by airplane. Nearly one-third of the energy consumed in the State is from jet fuel, which is one of the largest sources of Hawaii's greenhouse gas emissions. The availability of sustainable aviation fuel will be key to reducing global warming caused by greenhouse gas emissions. Hawaii is well positioned to develop solutions and build upon the success of the federal Green Initiative for Sustainable Fuels Transition Pacific (GIFTPAC), which was based in Hawaii from 2009 to 2019, and to continue to be a leader in the promotion of sustainable aviation fuels. This measure will help local businesses innovate to overcome the challenges of greenhouse gas emissions from commercial air travel.

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 H.B. No. 683, H.D. 2, 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, 3. Noes, none. Excused, 2 (English, Fevella).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1143 Transportation on H.B. No. 273

The purpose and intent of this measure is to allow the Director of Transportation to enact emergency rules to provide for the renewal of driver's licenses by mail or online without requiring a written request from the applicant.

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received comments on this measure from the Department of Customer Services for the City and County of Honolulu and one individual.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic and resulting shut down orders made it virtually impossible to transact business that required a face-to-face interaction. Section 286-107, Hawaii Revised Statutes, requires an applicant who is renewing their driver's license to appear in person, which was impossible during large portions of 2020. And while section 286-107, Hawaii Revised Statutes, does allow for renewal by mail for any applicant who is unable to appear in person, the applicant must first submit a written request before being allowed to do so. This provision is not practical for implementation on a mass scale as the department of motor vehicles would potentially be so inundated with requests for renewal by mail that it would be

impossible to process them all in a timely manner. The COVID-19 pandemic demonstrated the need for a system that can be implemented on a large scale without legislative approval, which may be difficult to obtain in the event of another global pandemic. This measure will provide wide latitude to the Director of Transportation to enact emergency measures to allow residents of Hawaii to renew their driver's license by mail or online.

Your Committee has amended this measure by adding language to clarify that the ability to renew a driver's license by mail or online without the need to first submit a written request to the examiner of licenses applies to every applicant.

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. 273, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 273, 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. 1144 (Joint) Energy, Economic Development, and Tourism and Water and Land on H.B. No. 774

The purpose and intent of this measure is to

- Establish the Pulehunui Community Development Authority as an autonomous community development authority under the Hawaii Community Development Authority for the purposes of developing the Pulehunui Community Development District;
- (2) Authorize the Hawaii Community Development Authority to obtain various forms of federal funding for construction, maintenance, and development projects in the Pulehunui Community Development District.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Hawaiian Home Lands, Hawaii Community Development Authority, and one member of the Maui County Council. Your Committees received comments on this measure from Maui County Department of Planning.

Your Committees find that public lands in Pulehunui, Maui are underutilized and that redeveloping, renovating, or improving these public lands to provide suitable recreational, residential, educational, industrial, governmental, and commercial areas where the public can live, congregate, recreate, attend schools, and shop as part of a thoughtfully integrated experience is in the best interest of the State.

Your Committees further find 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 facilitate the development and improvement and provide optimal use of Pulehunui public lands.

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 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 H.B. No. 774, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 774, 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, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 1145 (Joint) Energy, Economic Development, and Tourism and Water and Land on H.B. No. 1348

The purpose and intent of this measure is to provide the necessary powers, appropriations, and guidance to ensure optimal development of the Stadium Development District as intended by Act 268, Session Laws of Hawaii 2019, which established the Stadium Development District.

Specifically, this measure:

- (1) Amends the membership, responsibilities, powers, and duties of the Stadium Authority;
- (2) Exempts lands to which the Stadium Authority holds title from designation as public lands, but subjects the lands to legislative approval if sold or gifted;
- (3) Establishes the Stadium Authority Special Fund;
- (4) Clarifies the governance and management of the Stadium Development District;
- (5) Authorizes the Hawaii Community Development Authority, with approval from the Governor, to delegate to other state agencies implementation of capital improvement projects, under certain conditions;
- (6) Amends the general bond authorization enabled through Act 268, Session Laws of Hawaii 2019; and
- (7) Makes the financial disclosure of a member of the Stadium Authority a public record.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, University of Hawaii System, Stadium Authority, General Contractors Association of Hawaii, Pacific Resource Partnership, Hawaii Operating Engineers Industry Stabilization Fund, Operating Engineers Local Union No. 3, LiUNA! Hawaii Laborer's Union Local 368, Hawai'i Construction Alliance, and two individuals. Your Committees received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committees received comments on this measure from the Department of Budget and Finance and Hawaii Community Development Authority.

Your Committees find that effective development of the Stadium Development District is crucial to the overall welfare of the State because it allows the State to leverage the best of both public and private sector investments to develop a vibrant planned community for generations to come. Your Committees also recognize that collaboration between the Stadium Authority and the Hawaii Community Development Authority is important to continue on-going efforts to ensure proper development of the stadium area. Your Committees further recognize the unique opportunity for Hawaii to upgrade needed sports facilities, develop critical infrastructure, and provide much-need affordable housing in an important transit-oriented development district.

Your Committees further find that the State has the potential to establish the Stadium Development District as a premier destination for sports and events, and as a vital center for residential housing, retail, and other transit-oriented development. Your Committees also find that this measure provides clarity and guidance for the development of the Stadium Development District and a basis to advance the progress of the Stadium Development District.

Your Committees have amended this measure by:

- (1) Deleting its contents and inserting language from S.B. No. 1423, S.D. 2, a substantively similar measure, which provides for clarity and consistency in the measure as a whole;
- (2) Providing for the closure of the stadium special fund after all remaining moneys in the stadium special fund are depleted;
- (3) Enhancing and clarifying the roles of and dynamic relationship between the partnering agencies, primarily supporting the implementation and management of the Stadium Development District and requiring the Stadium Authority and the Hawaii Community Development Authority to enter into a memorandum of agreement regarding the implementation responsibilities of the respective agencies;
- (4) Providing for the continued expenditure of the general obligation bond proceeds previously appropriated by Act 268, Session Laws of Hawaii 2019, as amended by Act 4, Session Laws of Hawaii 2020, in accordance with the memorandum of agreement between the Hawaii Community Development Authority, Stadium Authority, and Department of Accounting and General Services:
- (5) Establishing the stadium development special fund under chapter 109, Hawaii Revised Statutes, instead of chapter 206E, Hawaii Revised Statutes, into which all funds collected by the Stadium Authority shall be deposited upon passage of this measure;
- (6) Making the Stadium Authority, rather than the Hawaii Community Development Authority, the expending agency for the appropriation of general obligation bond proceeds;
- (7) Making the appropriation of general obligation bond proceeds for fiscal year 2021-2022 effective on July 1, 2021; 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 Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1348, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1348, 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, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 1146 Human Services on H.B. No. 887

The purpose and intent of this measure is to increase protections for victims of sex trafficking and commercial sexual exploitation by:

- (1) Creating a separate commercial sexual exploitation offense for those who provide anything of value to engage in sexual conduct with another;
- (2) Adding sex trafficking to offenses that can be prosecuted at any time;
- (3) Making a person strictly liable for sex trafficking of a minor in terms of the victim's age;
- (4) Changing the name of the crime of solicitation of a minor for prostitution to commercial sexual exploitation of a minor;
- (5) Increasing the grade of offense of commercial sexual exploitation of a minor to a class B felony; and
- (6) Adding "anything of value" as a type of compensation for purposes of engaging in commercial sexual exploitation.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Maui Police Department, Maui County Department of the Prosecuting Attorney, Honolulu Police Department, City and County of Honolulu Department of the Prosecuting Attorney, Imua Alliance, CHILD USAdvocacy, Hoʻola Na Pua, Survivors for Solutions, 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 Hawaii State Commission on the Status of Women.

Your Committee finds that sex trafficking is an ever-evolving criminal enterprise in which traffickers and exploiters find various means to sexually exploit the most vulnerable in our community. Your Committee also finds that protecting victims from sexual exploitation in all its forms and holding offenders accountable is difficult given the disparity in power between the victims and perpetrators. Your Committee also finds that updating Hawaii's sex trafficking laws to better reflect a survivor-centered response to hold sex buyers and traffickers accountable will improve outcomes for trafficking victims and survivors. Your Committee further notes the concerns of one member of your Committee that although no amendment was made to the law enforcement exemption language,

any such exemption should not be interpreted to allow for undercover law enforcement "acting in the course and scope of duties during undercover operations" to be permitted to engage in any form of sexual contact with sexually exploited individuals, including the current restrictions against "sexual penetration or sadomasochistic abuse."

Accordingly, your Committee has amended this measure by:

- (1) Establishing a good faith exemption to the crime of commercial sexual exploitation for individuals who seek law enforcement assistance or medical assistance for themselves or others as proposed by the Commission on the Status of Women; 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. 887, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 887, H.D. 1, 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. 1147 Human Services on H.B. No. 1237

The purpose and intent of this measure is to clarify that the courts have the authority to issue temporary restraining orders, protective orders, and injunctions for reasonable time periods that expire after a protected minor reaches the age of majority.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Department of the City and County of Honolulu Prosecuting Attorney, Hawaii Youth Services Network, 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 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 upon which the minor turns eighteen years of age. Your Committee further finds that this forces the now eighteen-year-old who was previously protected to return to court and complete the process again, which can be time consuming, costly, and the source of unnecessary stress on and possible future harm to the now-majority-aged individual.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; 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 H.B. No. 1237, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1237, 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 (Fevella).

SCRep. 1148 Higher Education on H.B. No. 1291

The purpose and intent of this measure is to create a special education-specific eligibility criteria for the Hawaii State Scholars Program and Hawaii Community College Promise Program; specifically, to allow high-achieving applicants to the University of Hawaii (University) and students enrolled at any community college campus of the University, who graduated from a public high school in the State with a cumulative grade point average of 3.0; and qualified for and received special education services for two or more years during enrollment in grades kindergarten through twelve, to be eligible to receive scholarships under the respective programs.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Special Education Advisory Council, and four individuals

Your Committee finds that the Hawaii State Scholars Program for University applicants was established under section 304A-504, Hawaii Revised Statutes, to encourage Hawaii residents to pursue post-secondary school education. The program offers scholarship to high-achieving applicants who are residents of the State, can present evidence of academic excellence (i.e., valedictorians, cumulative high school grade point average of 4.0, top ten percentile standardized college admission test score), are enrolled at the University within eighteen months of high school graduation, and maintain satisfactory progress toward degree completion and a cumulative 3.0 grade point average. Your Committee also finds that the Hawaii Community College Promise Program was established under section 304A-506, Hawaii Revised Statutes, to make college affordable for all students by providing scholarships for the unmet direct cost needs of qualified students enrolled at any community college campus of the University.

According to the Special Education Advisory Council, students in special education constitute approximately ten percent of the State's public-school population. There is a massive achievement gap between students in regular education and special education. For example, the 2018 graduation rate for special education students was sixty-four percent, compared to eighty-seven percent for students in regular education. The 2018 college enrollment rate of special education students was thirty percent, compared to regular education students' fifty-seven percent. Your Committee believes this measure will encourage high-achieving special education students to pursue post-secondary education, continue to drive for excellence during their enrollment, and enhance their lives by availing themselves to the opportunities for a better personal and profession life in Hawaii.

Your Committee notes the University's request to remove section 2 of this measure that creates a special education-specific eligibility criteria for the Hawaii Community College Promise Program because it is a "need-based" scholarship program available to all eligible community college students, including students with disabilities, who meet the "need-based" eligibility criteria.

Your Committee has amended this measure by:

- (1) Allowing applicants for the University to be eligible for scholarship under the Hawaii State Scholars Program if the applicant:
 - (A) Graduated from a public high school in the State with a cumulative grade point average of 3.0; and
 - (B) Qualified for and received special education services for three or more years, instead of two or more years, during enrollment in grades seven through twelve, instead of kindergarten through twelve;
- (2) Removing section 2, which creates a special education-specific eligibility criteria for the Hawaii Community College Promise Program, as requested by the University; 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 Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1291, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1291, 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, 5. Noes, none. Excused, none.

SCRep. 1149 Higher Education on H.B. No. 1069

The purpose and intent of this measure is to decrease the frequency of University of Hawaii's (University) reporting on the Hawaii Cancer Research Special Fund account to the Legislature from a semi-annual to annual basis.

Your Committee received testimony in support of this measure from the University of Hawaii Cancer Center (UHCC).

Your Committee finds that section 304A-2168(d), Hawaii Revised Statutes, requires the University to report to the Legislature on the monies in the Hawaii Cancer Research Special Fund on a semi-annual basis. The reporting requirement was established in Act 28, Session Laws of Hawaii 2009, with the intent to promote transparency in the financial accounting relating to the special fund; assist the UHCC in providing better cancer care to improve the health and well-being of the people of Hawaii; help the Legislature ensure that the UHCC is making progress in meeting its recruitment and expansion goals; assure the commitment of funds in the special fund; and prevent the use of monies in the special fund for non-compliant purposes. Over the past three years, the UHCC has been improving its finances. Your Committee believes that this measure, which brings the Hawaii Cancer Research Special Fund's reporting requirement to a frequency that is on a par with other non-general funds, will reduce the University's administrative burden while continuing to maintain the Legislature's oversight over the special fund.

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. 1069, 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. 1150 (Joint) Water and Land and Agriculture and Environment on H.B. No. 243

The purpose and intent of this measure is to require the executive branch departments to:

- (1) Identify existing and planned facilities that are vulnerable to sea level rise, flooding impacts, and natural hazards;
- (2) Assess a range of options for mitigation impacts of sea level rise to existing and planned facilities;
- (3) Establish staff level points of contact to improve interagency coordination for sea level rise adaptation, flooding, and resilience; and
- (4) Submit annual reports to the Governor, Legislature, and Hawaii Climate Change Mitigation and Adaptation Commission regarding vulnerability and adaptation assessments for state facilities and progress in implementing sea level rise and disaster resiliency consideration.

Your Committees received testimony in support of this measure from the Hawaii Emergency Management Agency, Hawaii Climate Change Mitigation and Adaptation Commission, Sierra Club of Hawai'i, Hawai'i Reef and Ocean Coalition, and twelve individuals. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that pursuant to Act 45, Session Laws of Hawaii 2020, the responsibilities of the Office of Planning to include sea level adaptation coordination. Your Committees recognize that the coastal zone management program within the Office of Planning has been furthering shoreline management and studying sea level rise adaptation options for Hawaii's shorelines for years. Your Committees further recognize that one of the three focus areas of the 2020 Hawaii Ocean Resources Management Plan, which is published and updated by the coastal zone management program, addresses coastal development and chronic coastal hazards such as sea level rise.

Accordingly, your Committees have amended this measure by:

- Requiring staff level points of contacts to also work with the Office of Planning to improve interagency coordination for sea level rise adaptation, flooding, and resilience;
- (2) Adding the Office of Planning as a party to receive annual reports from each executive branch department regarding vulnerability and adaptation assessments; 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 H.B. No. 243, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 243, 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, 4. Noes, none. Excused, 1 (Keith-Agaran). Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

SCRep. 1151 (Majority) Water and Land on H.B. No. 499

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to extend commercial, industrial, resort, or governmental leases, other than those to which the University of Hawaii is a party, that have not been sold or assigned within the last ten years, for lessees who commit to substantial improvement to the existing improvements.

Your Committee received testimony in support of the measure from the Department of Land and Natural Resources; Prince Kuhio Plaza, LLC; ValueRock Realty Partners, Inc.; Stanford Carr Development, LLC; Pacific Resource Partnership; and McCully Works, Inc. Your Committee received testimony in opposition of the measure from the Office of Hawaiian Affairs, one member of the Maui County Council, Ka Lāhui Hawaiian Affairs Caucus of the Democratic Party of Hawaiii, Kūpuna for the Moʻopuna, Native Hawaiian Legal Corporation, Hui Makaʻainana a Kalawahine, Sierra Club of Hawaiʻi, Mauna Kea Anaina Hou, Kai Palaoa, and one hundred forty-four individuals.

Your Committee finds that many of the leases for commercial, industrial, and resort properties on public land statewide may be nearing the end of their lease terms. Faced with the uncertainty of continued tenancy, lessees have little incentive to make major investments in infrastructural improvements and therefore the infrastructure on these properties has been deteriorating. Authorization of lease extensions, like those proposed by this measure, may resolve issues surrounding the future of a tenancy and thereby promote investment in improvements located on currently leased public lands.

Your Committee notes that S.B. No. 257, S.D. 1 (Regular Session of 2021), which was previously passed by your Committee, is a substantially similar measure that also allows the Board of Land and Natural Resources to extend commercial, industrial, resort, or governmental leases, other than those to which the University of Hawaii is a party, that have not been sold or assigned within the last ten years, for lessees who commit to substantial improvement to the existing improvements. Your Committee notes that the language in S.B. No. 257, S.D. 1, is preferable because the measure does not contain language prohibiting leases to be assigned to a sublessee.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have prohibited a lease to be assignable to a sublease, in conformity with the contents of S.B. No. 257, S.D. 1;
- (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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 499, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 499, 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; Ayes with Reservations (Riviere). Noes, 1 (Fevella). Excused, none.

SCRep. 1152 Water and Land on H.B. No. 1016

The purpose and intent of this measure is to:

- (1) Authorize the Department of Land and Natural Resources (DLNR) to establish requirements and fees for obtaining a commercial marine vessel license;
- Specify that a single commercial marine vessel license satisfies the commercial marine license requirement for all persons aboard a licensed vessel;
- (3) Require any person providing fishing charter services to obtain a commercial marine license; and
- (4) Allow marine charter fishing vessels to obtain commercial marine vessel licenses.

Your Committee received testimony in support of the measure from the Department of Land and Natural Resources, United Fishing Agency and one individual.

Your Committee finds that the current commercial marine license laws are unduly burdensome on small scale, boat-based commercial fishers and those who provide vessel-based commercial fishing charter services. Your Committee further finds that the establishment of a new commercial marine vessel license category is more convenient and cost-effective for Hawaii's boat-based fishers. This measure allows for a single commercial marine vessel license to cover all individuals aboard a commercial marine vessel, eliminates the need for individual commercial marine licenses, and clarifies who is responsible for submitting catch reports for the vessel.

Your Committee notes that S.B. No. 255, S.D. 2 (Regular Session of 2021), which was previously passed by the Senate, is a substantially similar measure that also clarifies that a valid commercial marine vessel license satisfies the commercial marine license requirement for all persons taking marine life for commercial purposes aboard a licensed vessel and that any person providing fishing charter services must obtain a commercial marine vessel license. Your Committee notes that the language in S.B. No. 255, S.D. 2, is preferable because the measure requires DLNR to submit a report to the Legislature no later than thirty days prior to the convening of

the Regular Session of 2022, concerning the status of its administrative rules establishing a new commercial marine vessel license category.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language requiring DLNR to submit a report to the Legislature no later than thirty days prior to the convening of the Regular Session of 2022, concerning the status of its administrative rules establishing a new commercial marine vessel license category, in conformity with the contents of S.B. No. 255, S.D. 2;
- (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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1016, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1016, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and

Signed by the Chair on behalf of the Committee.

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

SCRep. 1153 (Joint) Water and Land and Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1352

The purpose and intent of this measure is to require the Office of Planning to submit a report to the Legislature containing the following:

- (1) An inventory of lands within the State that are leased from the federal government or under federal government control, to be prepared by the Department of Land and Natural Resources;
- Any known contaminants or environmental hazards discovered on the inventoried lands or associated with past environmental studies performed in connection with those lands, to be prepared by the Department of Health in consultation with the Environmental Protection Agency;
- (3) Input from departments and agencies on proposed alternative uses for the lands; and
- (4) Its findings and recommendations, including any proposed legislation, based on the information above.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Environmental Caucus of the Democratic Party of Hawaii'i, Hawaii Reef and Ocean Coalition, Sierra Club of Hawaii'i, Kūpuna for the Moʻopuna, Aloha Hawaii Onipaa, and eight individuals. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that it is in the public's best interest to preserve and protect Hawaii's natural resources and environment. This measure is a proactive step to ensure adequate environmental remediation of the lands leased to the federal government.

Your Committees have amended this measure by:

- (1) Clarifying that the inventory of lands contained in the report identify lands that are leased to the federal government instead of lands that are leased from the federal government;
- Requiring that the report contain input from all executive branch departments and agencies and the Office of Hawaiian Affairs on remediation and restoration needs and on proposed alternative uses of the lands identified in the inventory of lands contained in the report; 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, 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. 1352, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1352, 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, 5. Noes, none. Excused, none.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 1154 Higher Education on H.B. No. 313

The purpose and intent of this measure is to:

- Repeal the requirement that no less than fifty percent of the physician workforce assessment fees transferred or deposited into the John A. Burns School of Medicine (JABSOM) Special Fund be expended for purposes identified by the Hawaii Medical Education Council to support physician workforce assessment and planning efforts;
- (2) Repeal the cap on expenditures from the JABSOM Special Fund; and
- (3) Authorize funds from the JABSOM Special Fund to be expended for:
 - (A) Loan repayments to physicians who commit to working in certain medically underserved areas as part of the Hawaii Rural Health Care Provider Loan Repayment Program; and

(B) Scholarships to qualifying medical students.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, University of Hawai'i System, AlohaCare, Hawaii Medical Association, Kapi'olani Medical Specialists dba Hawai'i Pacific Health Medical Group, The Queen's Health Systems, and one individual. Your Committee received comments on this measure from the Hawaii Medical Board.

Your Committee finds that Hawaii faces a critical need for recruitment and retention of physicians to serve in rural and medically underserved areas of the State. Hawaii's shortage of physicians has been estimated to be as high as one thousand and eight, which is compounded by the fact that its physician workforce is the fifth oldest of all the states, of which a majority will be over the age of sixty-five within ten years. Your Committee also finds that the increasingly high cost of education for health care professionals binds graduates to practice in highly specialized fields of care in urban areas that provide sufficient income to repay costly student loans, rather than in general practice on the neighbor islands or in rural areas of the State where need for their service is greatest. Your Committee notes that the physician shortage in Hawaii was exacerbated by the coronavirus disease 2019 pandemic. In 2020, at least one hundred ten physicians retired, one hundred thirty-nine left the State, one hundred twenty decreased their work hours, and eight passed away.

Your Committee further finds that the Physician Workforce Assessment Project administered by JABSOM has been providing physicians in Hawaii with various workforce services, including loan repayment for physicians working in areas of need, recruitment advertisement, preparation of local students for medical school, and education on the issue of physician shortage. According to the University of Hawai'i Systems, the funding for the project is limited to what is provided by the JABSOM Special Fund. Under existing law, funding for the project is statutorily capped at \$245,000 per year despite the JABSOM Special Fund being well funded from the \$60 relicensing fees paid by all physicians in Hawaii. As such, the fund currently has reserves that cannot be accessed.

This measure will help the Physician Workforce Assessment Project to address the shortage of physicians in rural and medically underserved areas of the State by allowing more funds to be used to support the project and expanding the purposes for which the funds may be used to include loan repayment to physicians who commit to working in medically underserved areas of the State and scholarships to qualifying medical students.

Your Committee has amended this measure by:

- (1) Amending the name of JABSOM's loan repayment program from "Hawaii Rural Health Care Provider Loan Repayment Program" to "Hawaii State Loan Repayment Program" as requested by the University of Hawai'i System; 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 H.B. No. 313, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 313, 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, 5. Noes, none. Excused, none.

SCRep. 1155 Human Services on H.B. No. 1284

The purpose and intent of this measure is to:

- (1) Require health insurance providers in the State who provide health benefits plans that are funded by the Hawaii Employer-Union Health Benefits Trust Fund or the state Medicaid agency, and providers of Medicare Advantage (Medicare Part C) health benefits, to submit administrative data to the Health Analytics Program in the Department of Human Services; and
- (2) Authorize the Health Analytics Program to develop an annual plan for the analysis, maintenance, and publication of collected all-claims, all-payer administrative data.

Your Committee received testimony in support of this measure from the Department of Human Services, Department of Budget and Finance, and Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that the State Health Planning and Development Agency (SHPDA) operates the State's All Payer Claims Data (APCD) Warehouse, which contains important data reported directly by insurers to the State, including information on patient care and private insurance that is otherwise unavailable. Currently, SHPDA designates all functions of the APCD to the University of Hawaii and the Department of Human Services' Med-QUEST's Health Analytics Program. SHPDA does not provide any funding or staffing for the APCD. Your Committee notes that there are a number of measures being considered by the Legislature that may impact SHPDA, and ultimately, may cost the State the ability to collect claims data and operate the APCD. This measure provides the Department of Human Services with the necessary statutory authority to continue the work of its Health Analytics Program to develop and maintain the State's APCD.

Your Committee has amended this measure by:

- (1) Changing its effective date from July 1, 2060, to January 1, 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 H.B. No. 1284, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1284, 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. 1156 Health on H.B. No. 224

The purpose and intent of this measure is to:

- (1) Exempt psychiatric services, special treatment facilities, and chronic renal dialysis services from the certificate of need requirements;
- (2) Authorize administrative penalties for persons who do not comply with an approved certificate of need;
- (3) Provide that any money in the state health planning and development special fund in excess of \$2,000,000 shall lapse to the general fund;
- (4) Transfer the administration of the state health planning and development special fund from the state health planning and development agency to an unspecified agency;
- (5) Require a fee for any request for reconsideration under section 323D-47; and
- (6) Make an appropriation from the health planning development fund.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Pacific Health, Healthcare Association of Hawaii, Institute for Justice, Satellite Healthcare, Ohana Pacific Health, Hale Makua Health Services, Hawaii Medical Service Association, and one individual. Your Committee received testimony in opposition to this measure from three individuals. Your Committee received comments on this measure from the State Health Planning and Development Agency, Kaiser Permanente, Grassroot Institute of Hawaii, Hawaii Government Employees Association, Hawai'i Primary Care Association, Hawaii Substance Abuse Coalition, Liberty Dialysis – Hawaii, American Medical Response Hawaii, and two individuals.

Your Committee finds that the Governor's executive biennium budget proposes downsizing the State Health Planning and Development Agency (SHPDA) and transferring its role of administering the Certificate of Need (CON) Program to the Department of Health. Your Committee also finds that the CON Program is a vital regulatory component for ensuring accessibility to health care in Hawaii as well as the long-term financial viability of the health care delivery system. This measure proposes various amendments to SHPDA and its associated statutes that ensure its continuing viability while meeting the Governor's goals of minimizing costs.

Your Committee recognizes the testimony of various stakeholders in the hospital community who proposed that SHPDA be required to reassess and revise its state plan every five years. Your Committee has amended this measure by:

- (1) Requiring the Department of Health to alternatively be responsible for SHPDA's duties and responsibilities;
- (2) Requiring SHPDA or the Department of Health to reassess and revise its state plan every five years;
- (3) Removing the proposed fee for an applicant requesting reconsideration of SHPDA's decision; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 224, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 224, 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; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Moriwaki, San Buenaventura).

SCRep. 1157 Health on H.B. No. 302

The purpose and intent of this measure is to:

- (1) Authorize advanced practice registered nurses to certify whether a person is totally disabled under the State income tax code;
- (2) Authorize advanced practice registered nurses with psychiatric specializations to make capacity determinations; and
- (3) Add advanced practice registered nurses with psychiatric specializations as primary providers in advance mental health care directives.

Your Committee received testimony in support of this measure from the Hawai'i State Center for Nursing, Board of Nursing, Hawai'i – American Nurses Association, Hawai'i Psychological Association, Hawaii Substance Abuse Coalition, National Association of Social Workers – Hawai'i Chapter, The Queen's Health Systems, Hawai'i Association of Professional Nurses, and four individuals. Your Committee received comments on this measure from the Department of Taxation and one individual.

Your Committee finds that there is a need for greater access to health care in the State, especially in rural communities and on the neighbor islands. Because there is a well-documented physician shortage in the State, authorizing the readily-available advanced practice registered nurse (APRN) workforce to engage in activities within their scope of practice and in accordance with their education, training, and licensure provides a reasonable solution to this problem.

Your Committee recognizes the testimony of the Hawai'i State Center for Nursing, which expressed concerns that the definition of "advanced practice registered nurse" currently in the measure is too restrictive and would unnecessarily limit the number of APRNs affected by the measure. The Hawaii State Center for Nursing also proposed an amendment that would adopt a provision that was passed in the Federal Coronavirus, Aid, Relief and Economic Security (CARES) Act authorizing APRNs to order home health care for Medicare patients.

Therefore, your Committee has amended this measure by:

- Including a provision authorizing APRNs to order home health care for Medicare patients in conformance with the CARES
 Act:
- (2) Removing from the definition of "advanced practice registered nurse," the requirement that an APRN must hold an accredited national certification in an advanced practice registered nurse psychiatric specialization;
- (3) Amending section 1 to reflect its amended purpose;
- (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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 302, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 302, H.D. 1, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

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

SCRep. 1158 Health on H.B. No. 334

The purpose and intent of this measure is to:

- (1) Establish a state drug and alcohol toxicology testing laboratory special fund, to be administered by the Department of Health;
- (2) Deposit into the special fund fines imposed on offenders convicted of certain offenses involving operation of a vehicle under the influence of an intoxicant; and
- (3) Require expenditure reports to the Legislature.

Your Committee received testimony in support of this measure from the Department of Health, Department of Transportation, Hawaii Strategic Highway Safety Plan, City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, County of Maui Department of the Prosecuting Attorney, Maui Police Department, County of Kaua'i Office of the Prosecuting Attorney, County of Hawai'i Police Department, Mothers Against Drunk Driving, and two individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that driving under the influence of drugs and alcohol continues to be a major safety issue in the State. However, the prosecution of arrested and suspected drivers impaired by drugs and alcohol is costly because blood and urine samples for drug analyses are sent to mainland laboratories for analysis. Your Committee further finds that in addition to being costly, this process is also lengthy and can result in case dismissals. This measure establishes a special fund to sustain a drug and alcohol laboratory 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 334, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 334, 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, 5. Noes, none. Excused, none.

SCRep. 1159 (Joint) Health and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 542

The purpose and intent of this measure is to remove cannabidiol drugs that have been approved by the United States Food and Drug Administration from the State's list of Schedule V substances for consistency with federal law.

Your Committees received testimony in support of this measure from the Department of Public Safety and three individuals.

Your Committees find that section 329—11, Hawaii Revised Statutes, requires that the State's list of controlled substances comport with the list of controlled substances under federal law. Your Committees also find that the federal Food and Drug Administration recently approved the prescription drug Epidiolex, and generic versions of that drug, which is a plant-derived prescription cannabinoid product used to treat seizures associated with certain types of epilepsy. This measure brings state law in conformity with federal law by removing federally-approved cannabidiol drugs from the State's schedule V list of controlled substances.

As affirmed by the records of votes of the members of your Committees on Health 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. 542, H.D. 1, and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1160 Health on H.B. No. 723

The purpose and intent of this measure is to authorize the use of funds appropriated from the emergency and budget reserve fund, from the amounts received by the State from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, for the purchase and distribution of personal protective equipment and industrial hygiene products to state departments and attached agencies.

Your Committee received testimony in support of this measure from the Department of Education, Department of Health, State Procurement Office, Department of Labor and Industrial Relations Office of Community Services, Hawaii Emergency Management Agency, Hawaii Health Systems Corporation, and Hawai'i Primary Care Association.

Your Committee finds that the CARES Act provided significant and much needed funds to the State in response to the coronavirus disease 2019 (COVID-19) pandemic. In Act 9, Session Laws of Hawaii 2020, the Legislature appropriated \$100,000,000 of CARES Act funding, later amended to \$61,000,000 by the Governor, for the purchase and distribution of personal protective equipment to hospitals, childcare facilities, elderly care facilities, businesses, nonprofit organizations, and schools. This measure expands current legislation to allow for the purchase of industrial hygiene products and allows all state departments and attached agencies to purchase those products.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 723, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 723, 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, 5. Noes, none. Excused, none.

SCRep. 1161 Health on H.B. No. 986

The purpose and intent of this measure is to:

- (1) Ensure that timely diagnostic audiologic evaluation results on newborns who did not pass newborn hearing screening, or infants whose hearing status changes, are provided to the Department of Health; and
- (2) Update definitions and terminology.

Your Committee received testimony in support of this measure from the Department of Health, Disability and Communication Access Board, Executive Office on Early Learning, State Council on Developmental Disabilities, Early Childhood Action Strategy, Hawai'i Speech-Language-Hearing Association, and three individuals.

Your Committee finds that requiring the reporting of diagnostic audiologic evaluation results for newborns who do not pass hearing screening will help the State meet national goals to assist children who are deaf or hard of hearing to be language-ready for school. National data show that the incidents of infants who are born deaf or hard of hearing in Hawaii is at least twice the incidents in other states. This measure will improve the identification of and follow—up with infants who are deaf or hard of hearing.

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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 986, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 986, 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, 5. Noes, none. Excused, none.

SCRep. 1162 Health on H.B. No. 987

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, Disability and Communication Access Board, Executive Office on Early Learning, State Council on Development Disabilities, Early Childhood Action Strategy, Hawai'i Speech-Language-Hearing Association, and three individuals.

Your Committee finds that the sooner a parent knows that their child may be identified as blind, deaf, deaf-blind, or hard of hearing, the more beneficial it is for the child. Early intervention and appropriate follow-up services can greatly impact a child's lifelong language and communication development. Your Committee also finds that this measure will allow the Department of Health to set recommended standards for vision and hearing screening based on national guidelines and best practices. Furthermore, a statewide screening protocol will ensure consistency between all organizations performing screening are using tools, screening procedures, and referral criteria based on evidence and best practices.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 987, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 987, 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, 5. Noes, none. Excused, none.

SCRep. 1163 Health on H.B. No. 1096

The purpose and intent of this measure is to require the Department of Health to convene a task force to recommend amendments to existing parentage laws, which reflect outdated, cisheteronormative concepts of families, parenthood, and parental rights.

Your Committee received testimony in support of this measure from the Department of Health, American Civil Liberties Union of Hawai'i, AF3IRM Hawai'i, Associated Students of the University of Hawai'i, Hawai'i Women Lawyers, The First Caucus of the Democratic Party of Hawai'i, Maui Equality Coalition, American Association of University Women of Hawaii, Hawaii Women's Coalition, Ma'i Movement Hawai'i, Planned Parenthood Votes Northwest and Hawaii, Healthy Mothers Healthy Babies Coalition of Hawaii, LGBTQ+ Rainbow Alliance, Rainbow Family 808, and fifty 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 one individual.

Your Committee finds that under existing law, only male partners of birthing people are afforded the option to volunteer themselves as the other legal parent and establish parenthood on a birth certificate. This same right is not afforded to female, non-binary, and queer partners. As a result, non-male LGBTQ+ parents are subject to a "queer parent penalty". That is, the female, non-binary, and queer partners are forced to undergo extreme financial and emotional burdens to obtain an adoption decree for legal recognition as their child's parent. This measure convenes a working group to recommend amendments to the Hawaii Revised Statutes to update existing paternity laws to reflect modern concepts of family, parenthood, and parental rights.

Your Committee heard from various stakeholders who recommended that the working group include more members of the LGBTQ+ community. Therefore, your Committee has amended this measure by:

- (1) Adding one representative of the Department of Health's Sexual and Gender Minority Working Group and one representative of Ka 'Aha Māhū as members of the working group;
- (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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1096, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1096, 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; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (San Buenaventura).

SCRep. 1164 Commerce and Consumer Protection on H.B. No. 136

The purpose and intent of this measure is to apply liquor licensing provisions related to the transfer of licenses and the denial of licenses to limited liability companies.

Your Committee received testimony in support of this measure from the City and County of Honolulu Liquor Commission and one individual.

Your Committee finds that there are inconsistencies under existing law regarding changes in the principals of entities that hold a liquor license. Certain housekeeping amendments are needed for these provisions to ensure they are internally consistent and to conform state liquor law to modern business practices. This measure recognizes the prevalent use of limited liability companies in the State today and allows publicly traded limited liability companies to be treated the same as publicly traded corporations. This measure further grants temporary licenses or approval of a management agreement to account for certain business transactions where a closing of a sale of a hotel or other property must occur before there is time to affect the final transfer of a liquor license. This measure is therefore necessary to accommodate modern business practices and permit licensees reasonable flexibility while maintaining liquor commission oversight and control.

Your Committee has amended this measure by:

- Replacing the terms "fit or proper" and "unfit or improper" with the phrases "meets statutory requirements to hold a license" or "does not meet statutory requirements to hold a license", respectively, throughout the measure to establish a more objective standard;
- (2) Inserting an effective date of January 5, 2022; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 136, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 136, 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, 7. Noes, none. Excused, none.

SCRep. 1165 Commerce and Consumer Protection on H.B. No. 137

The purpose and intent of this measure is to:

- (1) Provide that violations of liquor tax law shall be referred to the Director of Taxation for investigation;
- (2) Repeal the general right of inspection without a warrant for potential violations of liquor tax law;
- (3) Repeal the discretionary power of the county liquor commissions to deny a license to any person the commission finds is not fit and proper to hold a license;
- (4) Require applications for liquor licenses to be notarized;
- (5) Provide the administrator of the county liquor commissions discretion over whether to refer applications for investigation; and
- (6) Repeal the requirement that investigative reports to the county liquor commissions include any and all matters that are relevant to the application or license in the judgment of the investigator.

Your Committee received testimony in support of this measure from the City and County of Honolulu Liquor Commission, Beer Lab HI, Hawaiian Craft Brewers Guild, 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 the Attorney General, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that liquor commission investigators do not have the expertise to competently investigate tax law, nor do they have training in forensic accounting. Further, certain existing laws regarding liquor licensing processes are arbitrary, contrary to other provisions in state law, and can be overly burdensome. Additionally, the term "fit and proper" can be construed as vague and determining whether a person should be disqualified from holding a liquor license should be based on clear and articulable facts and standards as presently outlined in statute, rather than an investigator's subjective opinion. This measure streamlines the licensing process to clarify the Department of Taxation's role, and removes undefined, arbitrary, and capricious language while retaining adequate safeguards and community considerations.

Your Committee has amended this measure by:

- Clarifying that county liquor commissions may grant a license to a corporation that has been convicted of a felony where the
 commission finds that the corporation's officers and shareholders of twenty-five per cent or more of outstanding stock meet
 the statutory requirements to hold a license;
- (2) Inserting an effective date of January 5, 2022; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 137, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 137, 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, 7. Noes, none. Excused, none.

SCRep. 1166 Transportation on H.B. No. 160

The purpose and intent of this measure is to increase the registration fee requirement for "U-drive motor vehicles," as defined by section 286-2, Hawaii Revised Statutes, to match the registration fees for other motor vehicles.

Your Committee received testimony in support of this measure from the Finance Department of the County of Kaua'i.

Your Committee finds that U-drive motor vehicles are motor vehicles that are rented or leased for a period of six months or less. These vehicles are charged a fee that is statutorily capped at \$1 for U-drive vehicles and \$2 for all other types of vehicles. The fees collected fund the costs associated with collection and disposal of abandoned or derelict vehicles. Abandoned and derelict vehicles are an eyesore on the side of the road that detract from the natural beauty of the State. They negatively impact the environment, the quality of life for residents, and detract from the visitor experience. This measure will increase the resources available to the counties to clean up these abandoned and derelict vehicles by increasing the fee charged to U-drive motor vehicles to be the same amount that is charged to other vehicles.

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. 160, 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, 4. Noes, none. Excused, 1 (English).

SCRep. 1167 Transportation on H.B. No. 458

The purpose and intent of this measure is to extend the driver's license renewal period from two years to four years for licensees who are between the ages of seventy-two and eighty.

Your Committee received testimony in support of this measure from the Department of Transportation and six individuals.

Your Committee finds that there is no local data to indicate that drivers between the ages of seventy-two and seventy-nine years old are at a higher risk of causing or being involved in traffic accidents. This measure will allow drivers over the age of seventy-two to renew their driver's license every four years rather than every other year.

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. 458, 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, 4. Noes, none. Excused, 1 (English).

SCRep. 1168 Transportation on H.B. No. 333

The purpose and intent of this measure is to:

- (1) Adopt uniform standards for peer-to-peer car sharing; and
- (2) Establish the peer-to-peer car sharing surcharge tax.

Your Committee received testimony in support of this measure from the Department of Transportation; Internet Association; Enterprise Holdings; TechNet; and Turo, Inc. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs' Insurance Division, Department of Taxation, Department of Commerce and Consumer Affairs Office of Consumer Protection, Tax Foundation of Hawaii, and Grassroots Institute of Hawaii.

Your Committee finds that peer-to-peer car sharing is a vital, yet nascent, industry in the State. Due to its growing popularity, residents who participate in peer-to-peer car sharing services need to have uniform protections and safety standards. Your Committee further finds that rental motor vehicle surcharge revenues deposited into the state highway fund amounted to \$58,000,000 in 2019, which is a major source of revenue for the state highway fund and is vital for the continued operation, maintenance, and construction of the state highway system. This measure will provide uniform standards for peer-to-peer car sharing services and will also help to preserve revenues deposited into the state highway fund.

Your Committee notes that it was informed by this measure's stakeholders that there are extensive conversations currently taking place between the insurance commissioner, office of consumer protection, and proponents of this measure who are working collaboratively to address some of the concerns regarding the insurance provisions contained in this measure. While these conversations are ongoing, there was not sufficient time to provide your Committee with proposed language regarding the insurance provisions prior to the hearing. Due to the time constraints of this legislative session and in order to provide your Committees on Judiciary and Ways and Means adequate time to consider and hear this measure, your Committee has adopted previously recommended provisions on insurance as a placeholder and, should this measure advance, encourages your Committees on Judiciary and Ways and Means to examine any proposed insurance language agreed to by the stakeholders and submitted for consideration.

Accordingly, your Committee has amended this measure by:

- (1) Requiring insurers offering insurance through a peer-to-peer car-sharing program to be subject to the provisions of the Hawaii insurance code under chapter 431, Hawaii Revised Statutes;
- (2) Replacing provisions that would have required insurance coverage during the car-sharing period with language requiring a shared car owner, peer-to-peer car-sharing program, and peer-to-peer car-sharing platform to be insured under a motor vehicle insurance policy that provides primary insurance coverage for each shared car available and used through a peer-to-peer car-sharing program in amounts no less than provided for in section 431:10C-703(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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 333, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 333, H.D. 3, 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 (Inouye).

SCRep. 1169 Transportation on H.B. No. 803

The purpose and intent of this measure is to:

- (1) Authorize each county to adopt ordinances to enforce section 291-71, Hawaii Revised Statutes, including the establishment of penalties for failure to comply with its requirements or maintain electric vehicle (EV) charging stations in working order;
- (2) Clarify that certain enforcement officers may enter private property to enforce EV parking space violations;
- (3) Require new EV charging systems installed pursuant to the EV charging system requirement to be at least Level 2 and network-capable; and
- (4) Increase the number of required parking spots for EVs from one space to five spaces.

Your Committee received testimony in support of this measure from the Department of Transportation; Hawaii State Energy Office; Office of Climate Change, Sustainability, and Resiliency for the City and County of Honolulu; Hawaii Electric Vehicle Association; Big Island Electric Vehicle Association; Sustainable Energy Hawaii; Ulupono Initiative; Hawaiian Electric Company; 350Hawaii; Climate Protectors Hawaii; Blue Planet Foundation; Our Revolution Hawaii; Tesla, Inc.; Environmental Justice Task Force of Faith Action for Community Equity; Environmental Caucus of the Democratic Party of Hawaii; and twenty-two individuals. Your Committee received testimony in opposition to this measure from the Building Owners and Managers Association of Hawaii, Hawaii Credit Union League, Retail Merchants of Hawaii, Building Association of Hawaii, and Brookfield Properties. Your Committee received comments on this measure from the Department of Design and Construction for the City and County of Honolulu.

Your Committee finds that emissions from ground transportation account for the largest share of energy sector emissions in the State. Despite Hawaii's statutory target to sequester more greenhouse gases than emitted no later than 2045, less than thirty percent of qualifying parking lots are in compliance with the requirements to designate and maintain a certain number of charging systems for EVs. This measure clarifies the authority to enforce and promote much needed compliance for EV charging infrastructure to help Hawaii meet its clean energy goals.

Your Committee notes that the companion to this measure, S.B. No. 756, S.D. 2 (Regular Session 2021), which was previously passed by the Senate, is a substantially similar measure that also authorizes the counties to adopt ordinances to enforce section 291-71, Hawaii Revised Statutes, requires newly installed EV charging systems to be at least Level 2 and network-capable, and requires parking lot owners to provide a certain number of parking stalls to be equipped with EV charging stations. Your Committee concludes that the language in S.B. No. 756, S.D. 2, is preferrable because it includes a provision for parking lot owners to provide ten parking stalls per one hundred stalls to be equipped with EV charging stations by 2030.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 756, S.D. 2, a substantially similar measure which:
 - (A) Authorizes each county to adopt ordinances to enforce section 291-71, Hawaii Revised Statutes, including the establishment of penalties for failure to comply with its requirements or make reasonable efforts to maintain electric vehicle (EV) charging stations in working order;
 - (B) Clarifies that certain enforcement officers may enter private property to enforce EV parking space violations;
 - (C) Requires new EV charging systems installed pursuant to the EV charging system requirement to be at least Level 2 and network-capable beginning January 1, 2022; and
 - (D) Increases EV charging system equipment requirements per one hundred parking stalls from one stall by 2012 to five stalls by 2025 and ten stalls by 2030; and
- (2) Exempting any parking lot that is located in a flood zone from the requirements to install EV charging systems;
- (3) Allowing the county to grant a parking lot owner an extension for up to one year to comply with the requirements of this measure upon a demonstration of need by the owner; 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 is in accord with the intent and purpose of H.B. No. 803, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 803, 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 (English).

SCRep. 1170 Transportation on H.B. No. 434

The purpose and intent of this measure is to establish a non-commercial aircraft landing fee and non-commercial aircraft storage fee and use those moneys to help off-set the current budget deficit.

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 inserting language to require the Director of Transportation to adopt rules to:

- (1) Require tour aircraft operators to have commercial general liability insurance coverage of at least \$10,000,000; and
- (2) Require tour aircraft operators applying for permit renewal to report details of each flight taken by the tour aircraft operation during the permitted period.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of Transportation Airports Division, O'ahu Tour Helicopter Safety and Noise Inter-Action Group, and seven individuals.

Your Committee finds that tour helicopter and small aircraft operations constitute a significant risk to passengers and residents on the ground. Over the past five years tour helicopters and small aircraft operations in Hawaii accounted for nearly seventeen percent of the nation-wide accidents that prompted investigations by the National Transportation Safety Board. In one ten-month period spanning 2019 to 2020, twenty-three lives were lost in four separate tour helicopter or small aircraft accidents on Oahu and Kauai. Therefore, it is important that tour operators carry insurance in sufficient amounts to cover potential losses in the event of an accident.

Your Committee also finds that residents in the State must endure the excessive noise that helicopter tours generate. Federal legislation, such as the National Parks Air Tour Management Act of 2000, established rules that tour operators must follow when flying over national parks like Volcanoes National Park, Pearl Harbor National Memorial, and Haleakala National Park. Therefore, it is in the interest of the State to monitor and ensure that federal regulations are being followed and that the State has the option not to renew a tour aircraft operation permit for any company that repeatedly deviates from flight plans over sensitive areas. This measure will require tour aircraft operators to carry and maintain sufficient insurance amounts as well as file appropriate reports and disclosures so that the State can monitor compliance with federal regulations.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending this measure by:

- (1) Inserting an effective date of January 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 434, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 434, 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 (English).

SCRep. 1171 (Joint) Health and Human Services on H.B. No. 310

The purpose and intent of this measure is to:

- (1) Amend the definition of "imminently dangerous to self or others";
- (2) Authorize the involuntary treatment of up to thirty days for patients who are subject to emergency hospitalization, diagnosed with a serious mental illness or severe substance use disorder, and found to be lacking decisional capacity; and
- (3) Require assessment of patients who are subject to emergency hospitalization, diagnosed with a serious mental illness or severe substance use disorder, and found to be lacking decisional capacity to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of the Prosecuting Attorney; The Institute for Human Services, Inc.; Hawai'i Psychological Association; Hina Mauka; and seven individuals. Your Committees received testimony in opposition to this measure from the Office of the Public Defender and one individual. Your Committees received comments on this measure from the Department of the Attorney General, Department of Health, Hawaii Disability Rights Center, and The Queen's Health Systems.

Your Committees recognize the testimony of the Department of the Attorney General, which raised concerns about the legality of the measure permitting involuntary treatment with long-term injectable psychotropics. Your Committees also recognize the testimony of various stakeholders who raised concerns that allowing medical professionals the discretion to treat certain patients who are mentally ill or suffering from substance abuse, imminently dangerous to themselves or others, and in need of care or treatment, rather than requiring the medical professional to treat the patient, would lessen patient care. Finally, your Committees note that many stakeholders testified that amending the definition of "imminently dangerous to self or others" by increasing the number of days from forty-five days to ninety days has no basis in psychiatric opinion or data.

Therefore, your Committees have amended this measure by:

- (1) Restoring the original language of section 334-59(d), Hawaii Revised Statutes, that requires qualified medical professionals to direct certain patients to be hospitalized on an emergency basis;
- (2) Removing the amendment to the definition of "imminently dangerous to self or others";
- (3) Removing the proposed amendment that would allow the involuntary administration of medication;
- (4) Removing the amendment to the definition of "imminently dangerous to self or others" in section 334-161, Hawaii Revised Statutes;
- (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 Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 310, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 310, 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.

Health: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Moriwaki).

Human Services: Ayes, 5; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 1172 (Joint) Health and Commerce and Consumer Protection on H.B. No. 476

The purpose and intent of this measure is to:

- (1) Impose an excise tax of fifty percent of the otherwise applicable tax under section 245-3, Hawaii Revised Statutes, on every wholesaler for each modified risk tobacco product sold, used, or possessed by a wholesaler;
- (2) Define modified risk tobacco product;
- (3) Establish taxation of e-liquids used in electronic smoking devices;
- (4) Require wholesalers and dealers to be licensed; and
- (5) Require retailers of tobacco and e-liquids to obtain permits.

Your Committees received testimony in support of this measure from the Department of Health, Hawaii State Teachers Association, Hawaii Substance Abuse Coalition, Hawaii' Primary Care Association, and Democratic Party of Hawaii Labor Caucus. Your Committees received testimony in opposition to this measure from the American Cancer Society Cancer Action Network, Hawaii' Public Health Institute, Black Lava Vape, Hawaii COPD Coalition, Irie Hawaii, Smoke-Free Alternatives Trade Association, AlohaCare, Hawaii Food Industry Association, Volcano Vape Shops, Hawaii Smokers Alliance, and forty-one individuals. Your

Committees received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, Campaign for Tobacco-Free Kids, American Heart Association, American Lung Association in Hawaii, and Grassroot Institute of Hawaii.

Your Committees find that electronic smoking devices (ESDs), also known as e-cigarettes, have become the most used tobacco products among youth in the State. While youth eigarette smoking has decreased from the year 2000, youth ESD use has continued to rise. Your Committees further find that in Hawaii, ESDs are not taxed like other tobacco products and often can be purchased at lower prices than eigarettes. According to the U.S. Surgeon General, increasing the price of tobacco products is the single most effective way to reduce consumption. This measure establishes taxes for certain e-liquid products.

Your Committees recognize the testimony of the Department of Health, which voiced concerns that more research is needed to determine the best taxation strategy for any emerging product and that using standardized definitions to achieve tax parity with other tobacco products would best address the youth vaping epidemic. Additionally, your Committees recognize the testimony of the Department of Taxation, which noted that section 245-31, Hawaii Revised Statutes, creates a redundant reporting requirement.

Therefore, your Committees have amended this measure by:

- (1) Removing the proposed definitions of "e-liquid", "e-liquid cartridge", "electronic smoking device", "open system e-liquid", and "unit of open system e-liquid";
- (2) Removing all references to the definitions listed in paragraph (1), above;
- (3) Defining "e-liquid" and "smoke" or "smoking";
- (4) Amending the definition of tobacco products; and
- (5) Repealing section 245-31, Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 476, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 476, 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.

Health: Ayes, 5. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 1173 (Joint) Health and Commerce and Consumer Protection on H.B. No. 598

The purpose and intent of this measure is to:

- (1) Establish the offense of unlawful shipment of tobacco products;
- (2) Increase the license fee for persons or entities 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) Fund health education and prevention programs concerning the risks and dangers of the use of electronic smoking devices for youth; and
- (5) Repeal various statutory provisions relating to electronic smoking devices.

Your Committees received testimony in support of this measure from the Hawaii State Teachers Association, Hawaii Dental Association, Hawaii Medical Association, Hawaii Primary Care Association, Hawaii Substance Abuse Coalition, Keiki Injury Prevention Coalition, and one individual. Your Committees received testimony in opposition to this measure from American Cancer Society Cancer Action Network; American Vaping Association; Cigar Association of America, Inc.; Irie Hawaii; Hawaii Smokes Alliance; Volcano Vape Shops; and thirty individuals. Your Committees received comments on this measure from the Department of Hatorney General, Department of Budget and Finance, Department of Health, Department of Taxation, American Heart Association, American Lung Association in Hawaii, Hawaii Public Health Institute, Tax Foundation of Hawaii, Hawaii COPD Coalition, Hawaii Petroleum Marketers Association, AlohaCare, Hawaii Food Industry Association, and four individuals.

Your Committees find that tobacco use continues to be a problem in Hawaii, causing approximately one thousand four hundred deaths per year among adults. Your Committees also find that e-cigarette use has increased considerably in recent years and that e-cigarette use among youth and young adults is also strongly associated with the use of other tobacco products, including combustible tobacco products. This measure prohibits online sales of tobacco products and raises monies to fund youth tobacco prevention and education programs.

Your Committees recognize the testimony of the Department of Health which voiced concerns that the measure as currently drafted does not contain a clear vehicle to impose a tax on electronic smoking devices. Therefore, your Committees have amended this measure by:

- (1) Including electronic smoking devices in the definition of "tobacco products"; 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 Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 598, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 598, H.D. 2, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5; Ayes with Reservations (San Buenaventura). Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7; Ayes with Reservations (San Buenaventura). Noes, none. Excused, none.

SCRep. 1174 (Joint) Health and Commerce and Consumer Protection on H.B. No. 1282

The purpose and intent of this measure is to:

- (1) Commence the transfer of the Oahu Regional Health Care System in its entirety from the Hawaii Health Systems Corporation to the Department of Health, beginning with the transfer of the Oahu Regional Health Care System's budget;
- (2) Enable the Oahu Regional Health Care System, Department of Health, Hawaii Health Systems Corporation, and other state agencies to implement the processes and transactions required to effectuate the completion of the transition;
- (3) Require the Department of Health to consult with the University of Hawaii regarding services provided at Leahi Hospital and Maluhia, and allow University of Hawaii students to rotate through those facilities for training purposes;
- (4) Authorize the Department of Health to pay rent to the University of Hawaii for the use of the Leahi Hospital property at a rate and on terms to be negotiated between the Department of Health and the University of Hawaii;
- (5) Clarify the rights, powers, and exemptions held by the Oahu Regional Health Care System during the transition period and the rights, powers, and exemptions held by the Inpatient Services Division of the Department of Health following completion of the transfer of the Oahu Regional Health Care System;
- (6) Appropriate monies from the mental health and substance abuse special fund to expand and operate programs at Leahi Hospital and Maluhia; and
- (7) Authorize the issuance of general obligation bonds and appropriate the proceeds of the bonds for improvements at Leahi Hospital and Maluhia.

Your Committees received testimony in support of this measure from the Department of Health, Hawaii Health Systems Corporation, University of Hawaii System, and The Queen's Health System. Your Committees received comments on this measure from the Department of the Attorney General, State Procurement Office, and Hawaii Government Employees Association.

Your Committees recognize the testimony of the Hawaii Government Employees Association, that the measure, as written, would not accomplish one of its purposes to ensure that employees exempt from civil service maintain their position for at least one year after the transition. Therefore, your Committees have amended this measure by:

- Ensuring that employees who are exempt from civil service maintain their positions for at least one year after the transition, subject to certain conditions;
- (2) Inserting an effective date of July 1, 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 Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1282, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1282, 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.

Health: Ayes, 5. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 1175 (Joint) Health and Commerce and Consumer Protection on H.B. No. 477

The purpose and intent of this measure is to:

- Authorize the department of health to allow a licensed dispensary to purchase up to three thousand grams of medical cannabis
 or manufactured cannabis products from another licensed dispensary located on the same island to ensure ongoing qualifying
 patient access;
- (2) Increase the allowable number of production centers and retail dispensing locations per dispensary license;
- (3) Prohibit primary caregivers from cultivating cannabis for a qualifying patient after December 31, 2021;
- (4) Limit where qualifying patients can obtain medical cannabis or manufactured cannabis products after December 31, 2021;
- (5) Authorize the Department of Health or law enforcement, upon the request of the department, to conduct administrative inspections of registered grow sites to ensure compliance with cannabis plant limits;
- (6) Clarify that as long as federal law prohibits the transportation of medical cannabis over a body of water, dispensary-todispensary sales may only occur between dispensaries located on the same island; and
- (7) Clarify that the transport of cannabis to another county or island for the sole purposes of laboratory testing is permissible only if no certified laboratory is in the county or on the island where the dispensary is located.

Your Committees received testimony in support of this measure from Big Island Grown Dispensaries; Green Aloha, Ltd; Maui Grown Therapies; Manoa Botanicals; and eight individuals. Your Committees received testimony in opposition to this measure from Effective Change, LLC; Epic Interventions, LLC; Hawaii Compassionate Care; Lama O Aloha; Big Island Booch, Inc.; Drug Policy

Forum of Hawai'i; Fujiwara and Rosenbaum, LLLC; Island Star Landscaping; Patients Without Time; We Are One, Inc.; and two hundred fifty-seven individuals. Your Committees received comments on this measure from the Department of Health; Aloha Green Holdings, Inc.; and four individuals.

Your Committees find that there is a need to fortify and enhance qualifying patient access to safe, regulated cannabis in the State. Your Committees further find that there is an illicit recreational cannabis market flourishing in the State. The danger of such a market is that the products are unregulated, escaping product testing requirements, accountability to qualifying patients, and oversight by any state agency. Thus, your Committees believe that overall enhancement of the medical cannabis dispensary program is necessary to strengthen patient access, improve product controls and safety, and refine the administration of the program.

Your Committees heard the testimony of the Department of Health, which requested amendments that would allow the Department to generate funds to hire more staff necessary for the increased regulatory oversight. The Department of Health also recommended amendments for clarity. Finally, your Committees heard from many testifiers who voiced concerns about tighter regulation on home grown cannabis.

Therefore, your Committees have amended this measure by:

- (1) Removing statutory fees for production center and retail dispensing location permit applications and authorizing the Department of Health to determine the fee structure;
- (2) Clarifying that the Department of Health or law enforcement, at the request of the Department, may make administrative inspections, including onsite inspections, of registered grow sites;
- (3) Removing the proposed reduction in home cultivation limit from five to two plants;
- (4) Removing the change in the proposed sunset date for primary caregiver cannabis cultivation;
- (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 Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 477, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 477, 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.

Health: Ayes, 5; Ayes with Reservations (Moriwaki, San Buenaventura). Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7; Ayes with Reservations (San Buenaventura). Noes, none. Excused, none.

SCRep. 1176 (Joint) Health and Commerce and Consumer Protection on H.B. No. 826

The purpose and intent of this measure is to:

- (1) Expand the purposes for which moneys in the tobacco enforcement special fund may be used to include all functions of the Department of the Attorney General;
- (2) Rename the Electronic Smoking Device Retailer Registration Unit to the Electronic Smoking Device Retailer Registration and Enforcement Unit;
- (3) Expand the scope of the Unit to include enforcement of compliance of electronic smoking devices with the Federal Food, Drug, and Cosmetic Act;
- (4) Establish the electronic smoking device retailer registration and enforcement unit special fund for moneys received from enforcement actions; and
- (5) Amend the fine amount for persons under twenty-one years of age who purchase or possess tobacco products or electronic smoking devices.

Your Committees received testimony in opposition to this measure from the Department of the Attorney General, Department of Health, Hawaii State Teachers Association, American Heart Association, Hawaii Public Health Institute, American Cancer Society Cancer Action Network, American Vaping Association, Black Lava Vape, Hawaii COPD Coalition, Hawaiii Primary Care Association, Irie Hawaii, Smoke-Free Alternatives Trade Association, AlohaCare, Hawaii Smokers Alliance, Volcano Vape Shops, and thirty individuals. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that the introduction of flavored e-cigarettes, electronic smoking devices, and other electronic nicotine delivery systems into the marketplace has had a negative impact on Hawaii's youth. Your Committees further find that the Department of the Attorney General requires funding to better regulate and ensure the removal of unsafe, noncertified electronic nicotine delivery systems from the marketplace. This measure provides the Department of the Attorney General with additional funding to expand its electronic smoking device regulatory arm.

Your Committees heard a significant amount of testimony from many stakeholders opposing any increase in the fines levied against persons under twenty-one years of age who purchase or possess tobacco products or electronic smoking devices. The testimony in opposition explained that punishment, such as the fine in this measure, is not an optimal strategy for behavior change and that the fine disproportionately affects low-income communities, youth of color, LGBT youth, youth with disabilities, and boys.

Therefore, your Committees have amended this measure by:

- (1) Removing the proposed amendments to section 712-1258, Hawaii Revised Statutes, in section 6 of this measure with respect to youth fines;
- (2) Inserting, section 3 of S.B. No. 1147, S.D. 2, Legislative Session 2021, which makes unlawful the sale of flavored tobacco products, mislabeling of e-liquid products containing nicotine, and sale of tobacco products other than through retail sales via in-person exchange;
- (3) Inserting into this measure, section 4 of S.B. No. 1147, S.D. 2, Legislative Session 2021, which includes e-liquid and electronic smoking devices within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law;
- (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 records of votes of the members of your Committees on Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 826, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 826, H.D. 2, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 1177 (Joint) Health and Human Services on H.B. No. 541

The purpose and intent of this measure is to:

- (1) Establish the State Payor Committee, to be administered by the Directors of the Departments of Health and Human Services, or their designees, to establish a purchase of service framework that aligns all behavioral health and substance abuse service contracts:
- (2) Require executive programs that purchase social services related to behavioral health or substance abuse to coordinate with the State Payor Committee as part of the planning for purchases of the enumerated services; and
- (3) Require all community or private organizations that purchase services for behavioral health or substance abuse, at the request of any state funding agency, to disclose the source of other federal, state, or county-level funding it receives for the purposes of performing such services.

Your Committees received testimony in support of this measure from the Department of Health and Office of the Mayor of the County of Maui. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Human Services, State Procurement Office, Phocused, Hawaii Substance Abuse Coalition, and The Queen's Health Systems.

Your Committees find that the intention of this measure is to ensure that procurements for behavioral health and substances abuse services are public and known. Act 263, Session Laws of 2019, created a working group whose purpose was to evaluate current behavioral health care and related systems and to identify steps to promote effective integration to respond to and coordinate care for persons experiencing substance abuse, mental health conditions, and homelessness. Your Committees find that this working group can be reconstituted to effectuate the goals of this measure. The working group is preferable to the new committee proposed by this measure because the working group is already familiar with the problems this measure aims to combat.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the language of Act 263, Session Laws of Hawaii 2019, a measure that establishes a working group within the Department of Health to evaluate current behavioral health care and related systems and identify steps to promote effective integration to respond to and coordinate care for persons experiencing substance abuse, mental health conditions, and homelessness, with the following amendments:
 - (A) Updating the working group's purpose to be to identify gaps in services, coordinate funding sources, and establish and identify outcome measures for behavioral health, substance abuse, and homelessness;
 - (B) Removing the representative of the Hawaii Opioid Initiative executive steering committee from the working group; and
 - (C) Adding to the working group, the Governor's Coordinator on Homelessness, a representative from the Office of Hawaiian Affairs, and a representative from the University of Hawaii John A. Burns School of Medicine Department of Psychiatry who is affiliated with the American society of Addiction Medicine;
- (2) Making it effective 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 Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 541, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 541, 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.

Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

Human Services: Ayes, 5. Noes, none. Excused, none.

SCRep. 1178 (Joint/Majority) Health and Commerce and Consumer Protection on H.B. No. 576

The purpose and intent of this measure is to authorize advanced practice registered nurses (APRNs) to perform medication or aspiration abortions.

Your Committees received testimony in support of this measure from the Board of Nursing, ACLU Hawai'i, American College of Obstetricians and Gynecologists, Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, Planned Parenthood Votes Northwest and Hawai'i, AAUW of Hawaii, Aoki Birthing Care, AF3IRM Hawai'i, Common Cause Hawaii Maternal & Infant Health Collaborative, Hawaii Women's Coalition, Hawai'i Women Lawyers, Ma'i Movement Hawai'i, Pono Hawai'i Initiative, Rainbow Family 808, Young Progressives Demanding Action, Hawai'i Health & Harm Reduction Center, Save Medicaid Hawaii, Hawai'i - American Nurses Association, and one hundred eleven individuals. Your Committees received testimony in opposition to this measure from A Place for Women in Waipio, Hawaii Family Forum, Hawaii Life Alliance, and nine individuals. Your Committees received comments on this measure from the Hawai'i State Center for Nursing.

Your Committees find that existing law allows only physicians to perform abortions. Many women, particularly those on the neighbor islands and in rural parts of the State, do not have access to physicians who are authorized to perform abortions. Thus, these women are forced to fly to another island in addition to taking time off work, arranging childcare, and booking lodging to see a physician and receive safe and adequate care. Your Committees find that APRNs can safely provide abortion care and can do so outside of hospitals. This measure allows APRNs to perform medication or aspiration abortions.

As affirmed by the records of votes of the members of your Committees on Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 576, H.D. 3, 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.

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

Commerce and Consumer Protection: Ayes, 5; Ayes with Reservations (Misalucha). Noes, 2 (Riviere, Fevella). Excused, none.

SCRep. 1179 Labor, Culture and the Arts on H.B. No. 325

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (1) and their excluded counterparts.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; Hawaii Health Systems Corporation; University of Hawaii System; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (1) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021.

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 H.B. No. 325, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 325, 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 (Chang).

SCRep. 1180 Labor, Culture and the Arts on H.B. No. 326

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (10) and their excluded counterparts.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; Hawaii Health Systems Corporation; University of Hawaii System; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (10) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021

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 H.B. No. 326, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 326, 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 (Chang).

SCRep. 1181 Labor, Culture and the Arts on H.B. No. 712

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (2) and their excluded counterparts.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; Hawaii Health Systems Corporation; University of Hawaii System; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (2) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021

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 H.B. No. 712, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 712, 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 (Chang).

SCRep. 1182 Labor, Culture and the Arts on H.B. No. 713

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (3) and their excluded counterparts.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; Hawaii Health Systems Corporation; University of Hawaii System; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (3) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021.

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 H.B. No. 713, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 713, 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 (Chang).

SCRep. 1183 Labor, Culture and the Arts on H.B. No. 714

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (4) and their excluded counterparts.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; Hawaii Health Systems Corporation; University of Hawaii System; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (4) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021.

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 H.B. No. 714, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 714, 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 (Chang).

SCRep. 1184 Labor, Culture and the Arts on H.B. No. 715

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (6) and their excluded counterparts.

Your Committee 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 Committee finds that negotiations between the exclusive representative of collective bargaining unit (6) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021

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. 715, 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 (Chang).

SCRep. 1185 Labor, Culture and the Arts on H.B. No. 716

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (8) and their excluded counterparts.

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, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (8) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021

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. 716, 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 (Chang).

SCRep. 1186 Labor, Culture and the Arts on H.B. No. 919

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (5) and their excluded counterparts.

Your Committee received testimony in support of this measure from the Department of Budget and Finance and Hawaii State Teachers Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (5) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021.

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. 919, 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 (Chang).

SCRep. 1187 Labor, Culture and the Arts on H.B. No. 921

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (7) and their excluded counterparts.

Your Committee received testimony in support of this measure from the Department of Budget and Finance and University of Hawai'i System.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (7) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021.

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. 921, 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 (Chang).

SCRep. 1188 Labor, Culture and the Arts on H.B. No. 925

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (11) and their excluded counterparts.

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

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (11) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021

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 H.B. No. 925, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 925, 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 (Chang).

SCRep. 1189 Labor, Culture and the Arts on H.B. No. 1125

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (9) and their excluded counterparts.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; Hawaii Health Systems Corporation; University of Hawaii System; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (9) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021.

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 H.B. No. 1125, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1125, 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 (Chang).

SCRep. 1190 Labor, Culture and the Arts on H.B. No. 1126

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (13) and their excluded counterparts.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; Hawaii Health Systems Corporation; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (13) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021

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 H.B. No. 1126, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1126, 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 (Chang).

SCRep. 1191 Labor, Culture and the Arts on H.B. No. 1127

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items, including salary and other cost adjustments, for public employees in collective bargaining unit (14) and their excluded counterparts.

Your Committee 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 Committee finds that negotiations between the exclusive representative of collective bargaining unit (14) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate or authorize necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the Regular Session of 2021

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. 1127, 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 (Chang).

SCRep. 1192 (Majority) Judiciary on H.B. No. 357

The purpose and intent of this measure is to establish a two-year statute of limitations for all actions for an inverse condemnation against the State, including a claim brought under article I, section 20, of the Hawaii State Constitution, regarding eminent domain.

Your Committee received testimony in support of this measure from the Department of Transportation, Department of Land and Natural Resources, Department of the Attorney General, and one individual.

Your Committee finds that the decision of the Hawaii Supreme Court in *DW Aina Le'a Dev., LLC v. State Land Use Comm'n*, 148 Haw. 396, 477 P.3d 836, 837 (2020), held that the statute of limitations for a regulatory taking is six years, pursuant to Hawaii's catch-all statute of limitations for personal actions. Your Committee further finds that, in light of this decision, the explicit establishment of a statute of limitations applicable to all types of inverse condemnation actions against the State will bring certainty and predictability to the timeframe within which a plaintiff must file this type of action against the State or be barred from pursuing the claim. Your Committee additionally finds that the clearest and most effective way to establish a statute of limitations consistent with other claims against the State is to explicitly include claims brought under article I, section 20, of the Hawaii State Constitution with other claims against the State.

Accordingly, your Committee has amended this measure by:

- Removing language establishing a two-year statute of limitations for inverse condemnation claims brought against the State as part of the general laws governing personal actions;
- (2) Including claims brought under article I, section 20, of the Hawaii State Constitution with other claims against the State for all procedural purposes, including the two-year statute of limitations generally applied to claims against 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 is in accord with the intent and purpose of H.B. No. 357, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 357, 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, 1 (Fevella). Excused, none.

SCRep. 1193 Judiciary on H.B. No. 1043

The purpose and intent of this measure is to amend chapter 237D, Hawaii Revised Statutes, relating to the transient accommodations tax by:

- (1) Repealing the misdemeanor criminal penalty for failing to register under and replace it with a monetary fine structure;
- (2) Replacing references to "operator or plan manager" with the terms "person" or "taxpayer";
- (3) Clarifying that a certificate of registration is required for persons advertising transient accommodations;
- (4) Applying the personal liability provision under general excise tax law to the transient accommodations tax; and
- (5) Making various technical amendments.

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

Your Committee finds that the transient accommodations tax serves as an important source of revenue for the State. Your Committee further finds that a number of inconsistencies, loopholes, and ambiguities have been identified that adversely affect enforcement and administration of the transient accommodations tax. This measure assists the Department of Taxation in the imposition of the transient accommodations tax by simplifying and streamlining certain provisions and processes.

Your Committee has amended this measure by:

- (1) Clarifying that the registration requirement for persons other than transient accommodations brokers, travel agencies, or tour packagers applies only to persons who are subject to the transient accommodations tax;
- (2) Replacing "operator and plan manager" with "taxpayer" to conform with other amendments made by the measure;
- (3) Changing the effective date to January 1, 2022; 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. 1043, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1043, 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, 7. Noes, none. Excused, none.

SCRep. 1194 (Majority) Judiciary on H.B. No. 1263

The purpose and intent of this measure is to:

- (1) Establish a system of graduated penalties for violations of the ignition interlock law; and
- (2) Require proof of compliance with the ignition interlock law to be eligible to apply for a driver's license.

Your Committee received testimony in support of this measure from the Department of Transportation; Office of the Prosecuting Attorney of the County of Kaua'i; Smart Start, LLC; Casanova Powell Consulting; Traffic Injury Research Foundation; Strategic Highway Safety Plan Core Committee; Responsibility.org; AAA Hawai'i; and one individual. 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 Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that an ignition interlock device is a small device attached to a vehicle's electrical system that requires a driver to submit to a breath test before the vehicle will start. If alcohol is detected at or above a predetermined threshold, the vehicle will not start. The device may also require rolling or running retests, where a driver must submit to another breath test at random intervals after the vehicle has been allowed to start. Your Committee further finds that, because ignition interlock devices are the only technology to physically separate the act of drinking from the act of driving and will directly prohibit an offender from driving again with alcohol in the offender's system, they are more effective in preventing persons from reoffending than other technologies or programs that do not directly prevent an offender from operating the offender's vehicle. This measure will protect the public from repeat offenders who put themselves and others at risk when they decide to drive under the influence of an intoxicant by expanding on the existing ignition interlock device law.

Your Committee has amended this measure by:

- Specifying that installation of an ignition interlock device on all vehicles the person drives is a prerequisite for the new ignition interlock device requirements;
- (2) Specifying a period of required compliance with ignition interlock device installation of sixty days for a first offense within ten years, ninety days for a second offense within ten years, and six months for a habitual offense and subsequent offenses;
- (3) Adding fifty percent to the applicable period of license revocation convicted of operating a vehicle under the influence of an intoxicant if the person does not own a vehicle, have use of a vehicle, or is otherwise unable to drive during the revocation period unless the period of revocation is permanent or the person is required to drive a vehicle on which an ignition interlock device cannot be installed for the purposes of the person's employment;
- (4) Changing the effective date to January 1, 2022; 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. 1263, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1263, 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, 3 (Acasio, Kim, Fevella). Excused, none.

SCRep. 1195 Energy, Economic Development, and Tourism on H.B. No. 1174

The purpose and intent of this measure is to:

- (1) Amend the motion picture, digital media, and film production income tax credit by:
 - (A) Reducing the cap amount and aggregate cap amount the credit;
 - (B) Establishing a maximum amount of above-the-line costs that may be used to claim the credit;
 - (C) Reducing the minimum amount of qualified production costs needed to claim the credit;
 - (D) Requiring qualified production costs to be incurred through a qualified vendor;
 - (E) Requiring at least seventy-five percent of a qualified production to be filmed in the State if the taxpayer claims a credit in excess of \$5,000,000 in a single taxable year; and
 - (F) Requiring that the State receive a percentage of the worldwide gross revenues of a qualified production if the taxpayer claims credits in excess of an aggregate amount of \$15,000,000 in two taxable years;
- (2) Defining "above-the-line costs" and "qualified vendor"; and
- (3) Extending the repeal date of the tax credit from January 1, 2026, to January 1, 2033.

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, in addition to the original contents of the measure:

- (1) Amends the motion picture, digital media, and film production income tax credit by:
 - (A) Adjusting the general excise tax from 4% percent to .5% percent for qualified productions costing less than \$3,000,000 per qualified production; and
 - (B) Allowing the tax credit for qualified productions costing less than \$3,000,000 to be carried over and applied to the taxpayer's future state tax liability; and
- (2) Reduces the cap amounts of the renewable energy technologies income tax credit.

Your Committee received testimony in support of this measure from Island Film Group, Tritium 3 Renewable Ventures LLC, and one individual. Your Committee received testimony in opposition to this measure from Department of Taxation; Hawaiian Electric Company, Inc.; Hawaii PV Coalition; Hawaii Solar Energy Association; Inter-Island Solar Supply; and Tesla. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism; Hawaii State Energy Office; Hawaii Green Infrastructure Authority; Kaua'i Island Utility Cooperative; Tax Foundation of Hawaii; Holu Hou Energy; and Ulupono Initiative.

Your Committee finds that the film industry in Hawaii is an important component of a diversified economy and that the motion picture, digital media, and film production income tax credit is an effective means of stimulating the economy and creating quality employment while promoting Hawaii as a premier destination for the both the film industry and visitors. Amending certain criteria for the motion picture, digital media, and film production income tax credit will provide stability and predictable economic incentives for the film industry and individuals employed in the film industry in Hawaii.

Your Committee further finds that smart renewable energy policy is critical to Hawaii's economic growth. Hawaii's renewable tax credit has empowered residents and businesses alike to install rooftop solar which, in turn, has become a large contributor of renewable energy in Hawaii helping it achieve its renewable energy goals. The tax credits are an important part of procuring lower cost energy from commercial developers eligible for the tax credit, which is sorely needed if Hawaii is to reach its one hundred percent renewable energy goals in a cost-effective manner.

Your Committee heard testimony from stakeholders who suggested that the measure could be improved by including amendments to provide incentives in a balanced approach that aligns with the measure's intent. Therefore, your Committee has amended this measure by:

- (1) Removing the provision that allowed qualified productions costing less than \$3,000,000 from receiving a reduction in general excise tax:
- (2) Removing the tax credit for qualified productions costing less than \$3,000,000 to apply to a taxpayer's future state tax liability;
- (3) Clarifying that the publication of the names of qualified productions and the amount of tax credits must be certified per qualified production filing year by the Department of Business, Economic Development, and Tourism;
- (4) Deleting the reduction of the annual aggregate cap on the tax credit to \$45,000,000 from \$50,000,000;
- (5) Changing the sunset date for claiming excess tax credits from December 31, 2025, to December 31, 2026;
- (6) Increasing the cap amount of the renewable energy technologies income tax credit from \$250,000 to \$500,000 for community-based renewable energy projects on commercial property; and
- (7) Changing the taxable year to begin after December 31, 2021.

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. 1174, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1174, 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 (Lee). Noes, none. Excused, 1 (Fevella).

SCRep. 1196 Commerce and Consumer Protection on H.B. No. 961

The purpose and intent of this measure is to:

- Exempt dependents of military servicemembers from state residency requirements for government employment if the military servicemember is in Hawaii on bona fide military orders; and
- (2) Allow a spouse of an active duty servicemember in the military who accompanies the servicemember to a permanent change of station in the State and holds a current, unencumbered license in another jurisdiction in specific professions to apply for Hawaii licensure on an expedited basis.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Human Resources Development, Department of Defense, Chamber of Commerce Hawaii, and five individuals. Your Committee received comments from the United States Department of Defense.

Your Committee finds that recruiting and retaining highly qualified applicants and reducing the number of vacancies for positions across the State has been a challenge. The dependents or spouses of military servicemembers represent an untapped pool of potential applicants. However, under existing law, state employees must sign a declaration within thirty days of their employment start date affirming that they are a resident of the State of Hawaii. Given the nature of military service, it may be in the interests of civilian dependents of military servicemembers to maintain their residency in their "home" state for various reasons. This measure aligns state

law with the Military Spouse Residency Relief Act to allow military spouses to declare the same state or legal residency as their spouse who is in the State on bona fide military orders and will streamline the licensing processes for active duty military spouses.

Your Committee notes that this measure, as currently drafted, contemplates approval for temporary licensure for a number of professions that may require additional and unique qualifications or other licensing requirements specific to Hawaii. Your Committee therefore finds that amendments to this measure are necessary to safeguard public health, safety, and welfare.

Your Committee has amended this measure by:

- Deleting accountants, architects, athlete agents, athletic trainers, engineers, and real estate appraisers from the list of licensees
 entitled to temporary licensure in the State;
- (2) Inserting an effective date of January 1, 2022; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 961, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 961, 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 (Chang).

SCRep. 1197 Energy, Economic Development, and Tourism on H.B. No. 561

The purpose and intent of this measure is to:

- Reinforce the Legislature's intent to reduce the State's reliance on fossil fuels through energy efficiency and increased renewable energy generation by clarifying the Public Utilities Commission's (Commission) obligations and authority under section 269-6, Hawaii Revised Statutes;
- (2) Require the Commission to determine whether analysis of the effect of the State's reliance on fossil fuels is necessary for proceedings involving water, wastewater, or telecommunications providers on an individual basis; and
- (3) Provide that the analysis is not required for an electric or a gas utility's routine system replacements or determinations that do not directly pertain to capital improvements or operations.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Public Utilities Commission; Hawaii Clean Power Alliance; Hawaiian Electric Company, Inc.; Hawaii Gas; and one individual. Your Committee received testimony in opposition to this measure from the League of Women Voters of Hawaii.

Your Committee finds that it is important to reduce the State's reliance on fossil fuels through energy efficiency and increased renewable energy generation.

Your Committee also finds that existing law requires the Commission to consider the effect of the State's reliance on fossil fuels as to:

- (1) Price volatility;
- (2) Export of funds for fuel imports;
- (3) Fuel supply reliability risk; and
- (4) Greenhouse gas emissions.

Your Committee further finds that the Commission makes determinations on the reasonableness of the costs of utility system capital improvements and operations. However, your Committee also finds that this analysis may not be relevant in certain proceedings for certain providers and, therefore, this analysis should be conducted only when appropriate.

Accordingly, your Committee recognizes that the Commission should:

- (1) Focus its analysis on eliminating the use of fossil fuels for electric or gas utility system capital improvements and operations;
- Conduct its analysis only for matters that involve fossil fuel sourced electricity and gas utility system capital and operations improvements; and
- (3) Not be required to conduct analysis for an electric or gas utility's routine system replacements.

Your Committee notes that this measure requires the Commission to make determinations, on an individual basis, on whether the analysis should also extend to other types of utilities, namely water, wastewater, and telecommunications providers. This measure would also provide the Commission flexibility to better focus its examination efforts on electric or gas utility capital improvements or operations, instead of routine system replacements.

Your Committee heard the testimony of stakeholders who suggested that this measure could be improved by including amendments to clarify this measure's intent. Therefore, your Committee has amended this measure by:

- Specifying that the analysis shall not be required for determinations that do not pertain to capital improvements or operations such as financing requests;
- (2) Adding language to further strengthen and clarify the intent of this measure;

- (3) Clarifying the meaning of the term "routine" in the utility industry; and
- (4) Changing the effective date to upon its approval.

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. 561, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 561, H.D. 2, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

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

SCRep. 1198 (Majority) Judiciary on H.B. No. 1377

The purpose and intent of this measure is to:

- (1) Create a five-year electronic citation program; and
- (2) Establish an electronic citation surcharge.

Your Committee received testimony in support of this measure from the Judiciary, Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kaua'i, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, Hawai'i Police Department, and Hawai'i Strategic Highway Safety Plan. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that the use of paper citation sometimes gives rise to difficulties including supervisors, prosecutors, and judiciary personnel having to decipher handwritten notes that are difficult to read, as well as untimely delivery of citations from law enforcement agencies to the Judiciary. These difficulties have the potential to lead to delays in access to citations and to dismissal of traffic citations. Your Committee further finds that the use of an electronic citation system resolves handwriting legibility issues and eliminates the need to collect and scan paper citations. By establishing an electronic citation program in the State, this measure provides numerous benefits to law enforcement, the Judiciary, and the general public, including the streamlining of processes and increased access to information.

Additionally, your Committee notes that revenue projections from the electronic citation pilot programs in the County of Maui and the City and County of Honolulu indicate that an electronic citation surcharge of \$5 is not necessary, and that a surcharge of \$2 will be self-sustainable.

Accordingly, your Committee has amended this measure by:

- (1) Changing the amount of the electronic citation surcharge from \$5 to \$2;
- (2) Removing inapplicable language requiring that the rules adopted by the Judiciary be pursuant to chapter 91, Hawaii Revised Statutes:
- (3) Removing the sunset date on the electronic citation special fund;
- (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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1377, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1377, 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, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 1199 Higher Education on H.B. No. 1067

The purpose and intent of this measure is to repeal the sunset provision in Act 42, Session Laws of Hawaii 2018 (Act 42), which temporarily reinstated and restored full authority to the President of the University of Hawaii (University) to serve as the University's Chief Procurement Officer (CPO) for all procurement contracts under the Hawaii State Procurement Code, set to expire on June 30, 2021.

Your Committee received testimony in support of this measure from the State Procurement Office, University of Hawai'i System, and General Contractors Association of Hawaii. Your Committee received comments on this measure from the Hawaii Construction Alliance.

Your Committee finds that following the unveiling of issues pertaining to the University's procurement process and procedures, Act 87, Session Laws of Hawaii 2013 (Act 87), removed the authority of the University of Hawaii President to serve as the CPO for the University's contracts for construction and construction-related professional services furnished by licensees under chapter 464, Hawaii Revised Statutes (i.e., engineers, architects, surveyors, and landscape architects), and transferred such authority to the Administrator of the State Procurement Office (SPO). Thereafter, the University made significant changes to its procurement policies and procedures which lead the SPO to find, in a report issued in January 2016 pursuant to Act 87, that the University was conducting construction procurements in a "compliant, efficient, and transparent manner." Based on the SPO's report, Act 42, Session Laws of Hawaii 2018 (Act 42), temporarily reinstated and restored full authority to the University of Hawaii President to serve as the University's CPO for all procurement contracts under the Hawaii State Procurement Code, with a trial-period set to expire on June 30, 2021. This measure repeals the sunset provision of Act 42, thereby permanently restoring the full authority of the University of Hawaii President to act as the University's CPO.

Your Committee recognizes that without the repeal or extension of Act 42's sunset provision, the University's procurement procedure will revert to the bifurcated structure employed from 2013 through 2018, wherein a different set of rules and procedures applied for goods and services and for construction-related professional services. Your Committee also notes the concerns raised in testimony regarding the changes that are currently being made to the University's procurement standards.

Accordingly, your Committee has amended this measure by:

- (1) Extending the sunset date for Act 42 by three years until June 30, 2024, instead of repealing the provision; 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 H.B. No. 1067, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1067, 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, 5. Noes, none. Excused, none.

SCRep. 1200 Health on H.B. No. 471

The purpose and intent of this measure is to make permanent the regulation of behavior analysts.

Your Committee received testimony in support of this measure from the Department of Health, Department of Commerce and Consumer Affairs, Department of Education, Hawaii Association for Behavior Analysis, Hawaii State Teachers Association, Hawaii Disability Rights Center, The Council of Autism Service Providers, Together For Our Keiki, and twenty individuals.

Your Committee finds that since the enactment of the behavior analyst licensure law, Act 199, Session Law of Hawaii 2015, and the autism insurance law, Act 235, Session Law of Hawaii 2015, over four hundred eighty behavior analysts have been licensed and over one thousand five hundred registered behavior technicians have been credentialed under their supervision in the State. As a result, several thousand keiki and other individuals have received access to applied behavior analysis services. Your Committee finds that these numbers are continuing to grow to meet the ongoing demand for applied behavior analysis services in the State. This measure makes permanent the regulation of behavior analysts.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 471, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 471, H.D. 1, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Moriwaki, San Buenaventura).

SCRep. 1201 Health on H.B. No. 1322

The purpose and intent of this measure is to establish a trauma-informed care task force within the Department of Health to make recommendations regarding trauma-informed care in the State.

Your Committee received testimony in support of this measure from the Department of Health, Department of Human Services, Office of Hawaiian Affairs, Executive Office on Early Learning, Hawai'i Pacific Health, Hawai'i Community Foundation, Hawai'i Primary Care Association, Hawaii Youth Services Network, Early Childhood Action Strategy, Kamehameha Schools, Kinai 'Eha, Hawaii Substance Abuse Coalition, and one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that adverse childhood events have harmful effects on health care spending, health care utilization, poorly controlled chronic illness, obesity, substance abuse, smoking, and other risk factors later in life. Your Committee further finds that trauma-informed approaches to health and human service systems of care from other states demonstrate improvements in organizational culture, availability and uptake of evidence-based treatments, use of trauma informed practices, and improvements in staff and caregiver knowledge and attitudes. This measure establishes a trauma-informed care task force within the Department of Health to implement a trauma-informed approach to health and human services in the State.

Your Committee recognizes the testimony of the Department of Health, which recommended extending the amount of time allotted to the Department for submission of its report to the Legislature. Your Committee also recognizes the testimony of the Department of Agriculture, who requested removal from the task force due to a lack of subject matter expertise. Your Committee finds that other members of the task force may also be removed for similar reasons and to facilitate more efficient operations of the task force.

As such, your Committee has amended this measure by:

- (1) Requiring the Department of Health to submit its report to the Legislature no later than twenty days prior to the convening of the regular session of 2024, rather than 2023;
- (2) Extending the task force's sunset date from July 1, 2023, to July 1, 2024;

- (3) Removing from the task force, the Director of Labor and Industrial Relations, Director of Commerce and Consumer Affairs, Chairperson of the Board of Agriculture, Chairperson of the Board of Trustees of the Office of Hawaiian Affairs, President of the Senate, Speaker of the House of Representatives, Mayors of the Counties, and consumer advocates;
- (4) Adding to the task force the Director of Public Safety and a member of the law enforcement community;
- (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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1322, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1322, 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 (Moriwaki, San Buenaventura).

SCRep. 1202 (Joint) Health and Human Services on H.B. No. 882

The purpose and intent of this measure is to:

- (1) Require purchasing agencies to make a written determination that the amount of a contracting action for purchases of health and human services is fair and reasonable;
- (2) Amend the selection process and composition of the Procurement Policy Board;
- (3) Amend the circumstances for when treatment services may be purchased and the procedure to purchase such services;
- (4) Increase the small purchase threshold; and
- (5) Repeal the establishment of the Community Council on Purchase of Health and Human Services.

Your Committees received testimony in support of this measure from the State Procurement Office. Your Committees received comments on this measure from Catholic Charities Hawai'i, PHOCUSED, and Hawaii Substance Abuse Coalition.

Your Committees find that the Community Council, established by section 103F-202, Hawaii Revised Statutes, has not met since 2010. Your Committees further find that the Community Council was valuable and necessary when it was established, but since that time, the focus of health and human services procurements has changed. Therefore, it is appropriate to now repeal the establishment of the Community Council.

Your Committees recognizes the testimony of Catholic Charities Hawai'i, which urged that a representative of either the Hawaii Alliance of Nonprofit organizations (HANO) or Protecting Hawaii's Ohana, Children, Under-Served, Elderly & Disabled (PHOCUSED) sit on the Policy Board. Therefore, your Committees have amended this measure by:

- (1) Requiring that a member of either HANO or PHOCUSED, or similar organization, be a member of the policy board; 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 Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 882, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 882, H.D. 1, S.D. 1, and be referred to your Committees on Government Operations and Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

Human Services: Ayes, 5; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 1203 Water and Land on H.B. No. 834

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources (DLNR), in collaboration with the County of Hawaii, to conduct site surveys to identify the most suitable locations for black cinder cone quarries on the island of Hawaii;
- (2) Require DLNR, in collaboration with the County of Hawaii, to submit a report of its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022; and
- (3) Appropriate an unspecified amount to DLNR for the site survey.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawaii Floriculture and Nursery Association, Hawaii Tropical Flower Council, Orchid Growers of Hawaii, and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that this measure facilitates economic recovery, not only on Hawaii island, but also for the local horticulture, floriculture, and landscaping industries. According to testimony received by your Committee, access to nematode-free cinder is essential to these industries as the cost to remove these pests can raise the price of black cinder by three hundred percent. Your Committee notes for your Committee on Ways and Means that the testimony submitted by DLNR recommends an appropriation of at least \$150,000 to cover staff time and the procurement of a geologist, mineralogist, or relevant specialist as a consultant to the site surveys required by this measure.

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. 834, 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; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1204 Water and Land on H.B. No. 1009

The purpose and intent of this measure is to:

- (1) Amend the additional fines and costs for destroying or harvesting trees or tree products, including koa, on state forest reserves lands:
- (2) Establish penalties for any person who violates vehicular parking or traffic movement rules adopted by the Department of Land and Natural Resources under forest reserves, water development, and zoning laws;
- (3) Authorize the State to pursue civil legal action and criminal action against a person violating forest reserves, water development, and zoning laws and rules;
- (4) Establish criminal penalties for violations of all forest reserves laws or rules; and
- (5) Repeal the general penalty provision for violations of certain forestry and wildlife, recreation areas, and fire protection laws and rules.

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

Your Committee finds that the current value of koa and other forest products, such as Hawaiian sandalwood, far exceeds the current dollar amount of the administrative fine of up to \$10,000 per koa tree and \$2,000 for all other tree or plants destroyed or harvested on state lands. Your Committee further finds that this measure not only streamlines offenses and penalties within statutes regarding forest reserves, but also allows the Department of Land and Natural Resources to more consistently and effectively enforce administrative rules and protect, preserve, and enhance the State's natural resources.

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. 1009, 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, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1205 (Majority) Judiciary on H.B. No. 170

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 monetary value, including but not limited to any purse, handbag, or wallet.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Honolulu Police Department, and one individual. 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 H.B. No. 170, 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, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 1206 (Majority) Judiciary on H.B. No. 172

The purpose and intent of this measure is to establish the offense of unauthorized control of a propelled vehicle in the second degree.

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 Office of the Public Defender.

Your Committee finds that there are a 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.

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. 172, 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, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 1207 (Majority) Judiciary on H.B. No. 895

The purpose and intent of this measure is to clarify that defendants may not earn credit on a sentence imposed for a subsequent conviction for time being served on a previous felony conviction.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Department of Public Safety. 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 Office of Hawaiian Affairs.

Your Committee finds that Act 50, Session Laws of Hawaii 2012 (Act 50), was enacted to prevent a defendant from earning credit for time served for a subsequent crime while the defendant is serving a sentence of imprisonment for a separate unrelated offense. However, the Hawaii Supreme Court held in *State v. Abihai*, 146 Haw. 398, 463 P.3d 1055 (2020), that a defendant was still entitled to presentence detention credit under Hawaii law for the period of time the defendant was simultaneously being detained for a separate unrelated felony conviction and a subsequent offense. Your Committee further finds that when Act 50 was being considered by the Legislature, your Committee on Judiciary and Labor noted in Senate Standing Committee Report No. 3188 that the purpose and intent of the measure was "to clarify that a defendant will not earn credit for time served for a subsequent crime while the defendant is serving an imprisonment sentence for a separate, unrelated offense." Accordingly, this measure will clarify the intent of Act 50 by specifying that certain defendants may not earn credit for a sentence imposed for a subsequent conviction if the defendant was simultaneously serving the sentence of imprisonment for a separate unrelated felony conviction.

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 H.B. No. 895, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 895, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, 2 (Acasio, Fevella). Excused, 2 (Gabbard, Keohokalole).

SCRep. 1208 (Majority) Judiciary on H.B. No. 181

The purpose and intent of this measure is to update the definition of "property" as it relates to offenses against property rights under the penal code to expressly include property stored in an electronic medium.

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 one individual.

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 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. 181, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 181, 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, 1 (Acasio). Excused, none.

SCRep. 1209 (Majority) Judiciary on H.B. No. 338

The purpose and intent of this measure is to require an appellate court to conduct a hearing when a conflict of interest pertaining to a judge or justice is alleged by motion of a party to any suit, action, or proceeding of the appellate court.

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 judges are required to be recused from hearing matters for which they have a disqualifying relationship, pecuniary interest, previous judgment, or other perceived bias or prejudice. Your Committee notes that this requirement applies to judges and justices at every level of the court system. Your Committee further finds that at the appellate level, requiring a hearing on a motion to disqualify a justice on an alleged judicial conflict of interest would facilitate a valuable colloquy regarding impartiality, allow a judge or justice the opportunity to rebut any allegation of a disqualifying conflict of interest, and promote transparency within the State's judiciary.

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 H.B. No. 338, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 338, 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, 1 (Acasio). Excused, none.

SCRep. 1210 Judiciary on H.B. No. 250

The purpose and intent of this measure is to include as offenses of sexual assault in the second degree and sexual assault in the third degree, offenses against a person who is stopped by a law enforcement officer and a person who is accompanied by a law enforcement officer for official purposes.

Your Committee received testimony in support of this measure from two individuals.

Your Committee finds that there was an incident in which a Honolulu police officer was indicted for the offense of sexual assault in the third degree for knowingly subjecting a teenage girl in custody to sexual contact. The indictment was based upon the interpretation that a person being stopped by a police officer for a traffic infraction was in "custody". However, the indictment was dismissed with prejudice because the court determined that the term "custody" did not include a traffic stop, for purposes of the offense.

Your Committee further finds that during a traffic stop, the person stopped by the officer is not free to go without permission of the officer, and that their actions during the traffic stop are constrained by legal requirements that, if violated, can subject the person to legal penalties, including possible criminal prosecution. Your Committee additionally finds that it is appropriate and in the public interest to clarify that the offenses of sexual assault in the second degree and sexual assault in the third degree include, and explicitly prohibit, a law enforcement officer from knowingly subjecting to sexual penetration or sexual contact, a person who is being stopped by the officer or accompanied by the officer for official purposes, including during a traffic stop.

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. 250, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 250, 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, 7. Noes, none. Excused, none.

SCRep. 1211 (Majority) Judiciary on H.B. No. 177

The purpose and intent of this measure is to amend the offenses of sexual assault in the first and third degree perpetrated against a person who is mentally defective to provide that there is a rebuttable presumption that the person assaulted was mentally defective.

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

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 females and thirty-two percent of 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. Although your Committee finds that a need exists to extend protection to mentally disabled persons who have a diminished capacity to consent to sexual acts, the rebuttable presumption that a victim is mentally disabled could present constitutional challenges under the Fifth Amendment to the United States Constitution if a defendant is forced to testify to rebut the presumption.

Accordingly, your Committee has amended this measure by:

- (1) Changing the state of mind element that a victim is mentally defective to negligence; 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. 177, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 177, 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, 2 (Acasio, Fevella). Excused, none.

SCRep. 1212 Judiciary on H.B. No. 490

The purpose and intent of this measure is to:

- (1) Lower the age at which enhanced penalties apply for crimes against seniors from sixty-two years of age to sixty years of age; and
- (2) Make commission of certain criminal offenses against a senior's person or property applicable if the perpetrator knows or reasonably should know the senior victim's age.

Your Committee received testimony in support of this measure from the Department of Human Services, Executive Office on Aging, Adult Protective Community Services, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, Hawai'i Police Department, Macha, and five individuals. Your Committee received comments on this measure from the Office of the Public Defender.

Your Committee finds that the rate of crimes targeting seniors in the State has increased in recent years. Your Committee further finds that the State's senior citizens are especially vulnerable to long-term physical, emotional, and financial harm from criminal acts, and that there is lack of adequate protection against exploitation of senior citizens under existing law. This measure more closely aligns certain Penal Code statutes with common elder abuse scenarios, which will allow law enforcement and prosecutors to appropriately respond.

Your Committee has amended this measure by:

- Clarifying that a person employed or contracted to work by a mutual benefit society receives increased protection if the person
 provides case management services in a hospital, health care provider's office, or home;
- (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. 490, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 490, 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; Ayes with Reservations (Acasio). Noes, none. Excused, 2 (Gabbard, Keohokalole).

SCRep. 1213 Judiciary on H.B. No. 1107

The purpose and intent of this measure is to:

- (1) Add aggravated harassment by stalking to the list of offenses upon which the offense of use of a computer in the commission of a separate crime may be based; and
- (2) Provide the court with the discretion to require the forfeiture of property used in computer crimes if the perpetrator was a minor, regardless of whether the minor owned the property.

Your Committee received testimony in support of this measure from the Honolulu Police Department, LGBT Caucus of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from the Department of Education and Office of Public Defender.

Your Committee finds that bullying, cyberbullying, and harassment are serious issues that hinder student well-being and achievement, especially when the targets are vulnerable youth. Your Committee further finds that although the Department of Education has recently implemented comprehensive efforts to address bullying, cyberbullying, and harassment in public schools, including the adoption of amended administrative rules that, among other things, provide expanded definitions of and complaint procedures for these forms of student misconduct, the transition to online classroom environments as a result of the coronavirus disease 2019 pandemic has exacerbated the problems of bullying, cyberbullying, and harassment of vulnerable youth. This measure will provide further incentive to parents and guardians to better ensure that their minor children refrain from using electronic devices to perpetrate bullying, cyberbullying, and harassment.

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 H.B. No. 1107, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1107, 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; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, 2 (Gabbard, Keohokalole).

SCRep. 1214 Judiciary on H.B. No. 741

The purpose and intent of this measure is to require certain Hawai'i State Ethics Commission records to be retained permanently.

Your Committee received testimony in support of this measure from Common Cause Hawai'i and eleven individuals. Your Committee received comments on this measure from the Hawai'i State Ethics Commission.

Your Committee finds that the maintenance of records by the Hawai'i State Ethics Commission is vital to transparency and integrity in state government. Your Committee further finds that the period of record maintenance should be increased in light of increased capacity for storing digital copies of records. Your Committee additionally finds, however, that maintaining all lobbying records in perpetuity will eventually place an undue burden on the storage capacity of the Hawai'i State Ethics Commission.

Accordingly, your Committee has amended this measure by:

- (1) Changing the retention period to six years;
- (2) Requiring records to be maintained, instead of preserved, for consistency with financial disclosure 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 741, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 741, 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, 7. Noes, none. Excused, none.

SCRep. 1215 Judiciary on H.B. No. 156

The purpose and intent of this measure is to repeal the requirement that the County of Kaua'i contract solely with the Kaua'i Humane Society for the provision of animal control services.

Your Committee received testimony in support of this measure from the Department of Finance of the County of Kaua'i, Animal Rights Hawai'i, and one individual.

Your Committee finds that section 143-16, Hawaii Revised Statutes, requires the County of Kaua'i to contract solely with the Kaua'i Humane Society for animal control services. Your Committee further finds that this requirement has been superseded by the County's ability to offer public contracts to other animal control service providers, and thus is outdated and no longer relevant to the State's needs. Your Committee additionally finds that construction of the animal shelter or "dog pound" authorized by section 143-16, Hawaii Revised Statutes, has been completed, making the provision no longer 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 H.B. No. 156, 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, 7. Noes, none. Excused, none.

SCRep. 1216 (Majority) Judiciary on H.B. No. 566

The purpose and intent of this measure is to add coercive control between family or household members to the offense of abuse of family or household members as a petty misdemeanor.

Your Committee received testimony in support of this measure from Hawai'i State Coalition Against Domestic Violence, AAUW of Hawai'i, Domestic Violence Action Center, Planned Parenthood Votes Northwest and Hawai'i, Early Childhood Action Strategy, and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Office of the Public Defender, Prosecuting Attorney of the City and County of Honolulu, and one individual. Your Committee received comments on this measure from the Honolulu Police Department.

Your Committee finds that abuse between family or household members takes many forms and coercive control is often part of the cycle of domestic violence. Your Committee further finds that coercive control is defined under section 586-1, Hawaii Revised Statutes, in part as "a pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse that is used to harm, punish, or frighten an individual." Your Committee additionally finds that coercive behaviors often carry a threat of violence or are direct precursors to violence.

Your Committee also finds that Act 19, Regular Session of 2020, established a five-year pilot program to strengthen state and county responses to domestic violence and increase offender accountability. Part of this pilot program was the establishment of a petty misdemeanor offense within abuse of a family or household member. Your Committee further finds that the addition of coercive control as a petty misdemeanor offense should be placed within the pilot program established by Act 19, Regular Session of 2020.

Accordingly, your Committee has amended this measure by:

- (1) Including coercive control as part of the petty misdemeanor offense of abuse of a family or household member to the pilot program established by Act 19, Regular Session of 2020; and
- (2) 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. 566, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 566, 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; Ayes with Reservations (Fevella). Noes, 1 (Acasio). Excused, 2 (Gabbard, Keohokalole).

SCRep. 1217 (Majority) Judiciary on H.B. No. 1326

The purpose and intent of this measure is to allow a narrow hearsay exception for statements made by domestic violence victims during the course of the first interaction with the responding law enforcement officers and before the arrest of the defendant, as long as the statement bears sufficient indicia of reliability.

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, Hawai'i Supreme Court Standing Committee on the Hawai'i Rules of Evidence, and one individual.

Your Committee finds that victims of domestic violence are often reluctant to testify in court against their abusers, making prosecution of domestic violence cases difficult. Your Committee further finds that Oregon has adopted a pioneering approach to address certain challenges associated with prosecuting domestic violence cases in which the victims are uncooperative, which provides 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, even if the statement is testimonial in nature, as long as the statement bears "sufficient indicia of

reliability". Your Committee additionally finds that, although there may be constitutional issues regarding Oregon's hearsay exception, allowing a narrow hearsay exception for statements made by a domestic violence victim during the course of the first interaction with the responding law enforcement officers and before the defendant is arrested, regardless of the availability of the declarant, as long as the statement bears sufficient indicia of reliability strikes a balance between protecting the constitutional rights of defendants while promoting the safety of domestic violence victims.

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. 1326, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1326, 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, 3; Ayes with Reservations (Kim). Noes, 2 (Acasio, Fevella). Excused, 2 (Gabbard, Keohokalole).

SCRep. 1218 Education on H.B. No. 608

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;
- (2) Require the Board of Education to include an open forum for public comments on non-agenda items; and
- (3) Require a report to the Legislature on implementing open forums.

Your Committee received testimony in support of this measure from the League of Women Voters and one individual. Your Committee received comments on this measure from the Board of Education and Office of Information Practices.

Prior to the hearing on this measure, your Committee posted and made available for review a proposed S.D. 1 of this measure. The proposed S.D. 1 retained the contents of this measure and also inserted provisions that eliminate the Superintendent of Education as a voting member constituting the public employer for the purpose of negotiating a collective bargaining agreement with personnel of the Department of Education.

Your Committee received testimony in support of the proposed S.D. 1 from one individual. Your Committee received testimony in opposition to the proposed S.D. 1 from the Department of Education and League of Women Voters. Your Committee received comments on the proposed S.D. 1 from the Office of Information Practices.

Your Committee finds that community meetings held by the Board of Education improve the public's access to the Board and allow the public to provide the Board with more information to help with decision-making and priority setting. Greater access to the Board of Education from communities in each county across the State through community forums will allow the Board to hear from more community stakeholders and receive more information before making decisions at a later date. Your Committee further finds that eliminating the vote of the Superintendent of Education for purposes of negotiating collective bargaining agreements for bargaining units (5) and (6) will encourage the Department of Education to work more closely with the Board of Education in developing terms of collective bargaining agreements for those bargaining units.

Your Committee has amended this measure by adopting 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 H.B. No. 608, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 608, 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. 1219 Education on H.B. No. 546

The purpose and intent of this measure is to amend the composition of the Early Learning Board to make a representative from Aha Punana Leo a standing member.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Kaulanakilohana, and 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) Require complex area superintendents to report directly to the Superintendent of Education;
- (2) Authorize various positions to report directly to complex area superintendents; and
- (3) Make appropriations.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Associations, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that currently, the complex area superintendents report to the Deputy Superintendent of Education. There is concern that the Superintendent of Education does not consistently communicate with or hear all feedback from all the complex area superintendents. This measure will streamline communication between the complex superintendents and the Superintendent of Education.

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 Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 546, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 546, 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, 5. Noes, none. Excused, none.

SCRep. 1220 Education on H.B. No. 225

The purpose and intent of this measure is to:

- (1) Require the Board of Education to develop a bullying prevention and response action plan;
- (2) Require the Board of Education to report annually to the Legislature; and
- (3) Repeal Act 214, Session Laws of Hawaii 2011.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network, Americans for Democratic Action Hawaii, Hawaii Disability Rights Center, and four individuals. Your Committee received comments on this measure from the Department of Education, Board of Education, and one individual.

Your Committee finds that the Board of Education advocates for safe learning environments that ensure the well-being of students and recognizes bullying as a severe issue. Furthermore, the Department of Education fosters positive and safe learning environments for all students and staff by creating a culture of respect, responsibility, and resiliency and does not tolerate bullying on any of its campuses, transportation, or sponsored events. This measure will serve as a tool for the Board of Education to respond and prevent bullying in public schools.

Your Committee notes that the bullying prevention and response action plan is not just for students but also for Department of Education employees.

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 Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 225, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 225, 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. 1221 Human Services on H.B. No. 381

The purpose and intent of this measure is to:

- (1) Codify the administrative rule definition of "assistance animal";
- (2) Clarify the type of verification an individual may provide to substantiate a reasonable accommodation request for a specific assistance animal; and
- (3) Specify that possession of an item or registration documents that are commonly purchased online to identify an animal as a service animal do not constitute valid verification of a disability-related need for an assistance animal.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission, Associa Hawaii, Community Associations Institute, Hawaii Association of REALTORS, and one individual. Your Committee received comments on this measure from the Disability and Communication Access Board.

Your Committee finds that under the federal and state fair housing laws, landlords may allow "assistance animals" in rental properties that otherwise do not allow pets. For landlords seeking to follow the fair housing laws, this can create problems discerning between a legitimate request from a person with a disability and those from persons who simply wish to keep a pet in their rental unit. This measure provides clarification on what information a landlord might reasonably request from an individual to verify the need for an assistance animal

Your Committee also finds that there is no national registry or certification for assistance animals. In the absence of such a system, some pet owners use items or registration documents that are commonly purchased online purporting to identify an animal as a service or assistance animal. This measure clarifies that such items and documents, by themselves, do not establish an animal as a service or assistance animal.

Your Committee has amended this measure by:

- (1) Changing its effective date to November 1, 2021;
- (2) Adding clarification for instances in which the disability-related need is not readily apparent; 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 381, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 381, 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 (Fevella).

SCRep. 1222 Higher Education on H.B. No. 389

The purpose and intent of this measure is to require accredited and non-accredited for-profit post-secondary educational institutions that are authorized to award degrees and operate in the State to disclose that they are for-profit businesses on their catalogs, promotional materials, electronic media, signages, and contracts for instruction.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs' Office of Consumer Protection and Hawaii Post-Secondary Education Authorization Program. Your Committee received testimony in opposition to this measure from Hawaii Medical College, International Quantum University for Integrative Medicine Inc. dba Quantum University, University of Phoenix, and one individual. Your Committee received comments on this measure from the Chamber of Commerce of Hawaii.

Your Committee finds that for-profit educational institutions are significantly different from non-profit educational institutions, in that for-profit educational institutions are a business, and many of them are traded on major stock exchanges or owned by private equity firms. As with all owners and shareholder of businesses, the owners and shareholders of for-profit educational institutions expect the institutions to turn a profit, and as with most business entities, programs that do not generate profit will be eliminated. Your Committee further finds that in recent years, numerous for-profit educational institutions have engaged in unfair or deceptive trade practices, including misrepresentations involving accreditation, selectivity, graduation rates, placement rates, transferability of credit, financial aid, veterans' benefits, and licensure requirements. In response, many states, including Hawaii, have initiated enforcement actions to protect students.

Your Committee notes the testimony of the Department of Commerce and Consumer Affairs' (DCCA) Hawaii Post-Secondary Education Authorization Program (HPEAP) stating that it does not receive complaints or otherwise become aware of serious problems associated with degree-granting institutions in Hawaii until it is too late and the institution is in the process of closing. The HPEAP receives complaints pertaining to both accredited and un-accredited institutions, and since HPEAP does not have jurisdiction over non-accredited institutions, it forwards the latter to the DCCA's Office of Consumer Protection. Based on its experience, HPEAP believes that any kind of extra precaution will be helpful to the students. Given the myriad problems associated with for-profit educational institutions, your Committee believes there is a justifiable basis to require them to disclose their for-profit status to prospective students. This measure will enable potential students to be fully aware of a degree-granting institution's for-profit status when pursuing higher education opportunities. Your Committee also notes testimony raising concern that this measure will require the institutions to discard, re-create, and re-print all of their existing printed materials and signage.

Your Committee has amended this measure by:

- (1) Requiring the disclosures to be made on the for-profit degree-granting institution's official website, promotional digital and print media created on or after the enactment of this measure, and contracts for instruction; 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 H.B. No. 389, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 389, H.D. 1, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

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

SCRep. 1223 Government Operations on H.B. No. 573

The purpose and intent of this measure is to:

- (1) Require the Joint Legislative Budget Committee, under certain circumstances, to convene and make recommendations to the Legislature regarding federal funds;
- (2) Provide the Legislature with the opportunity to convene in Special Session in accordance with the Hawaii State Constitution to act on the recommendations or, if the Legislature does not convene in Special Session, otherwise authorize the Governor to expend federal funds pursuant to the Governor's emergency powers; and
- (3) Appropriate federal funds for the coronavirus disease 2019 (COVID-19) response; provided that funding of certain programs be paid for from a county's share of federal funds.

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 Budget and Finance, Hawaii Emergency Management Agency, and one member of the Maui County Council. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that under existing law, there is no process to appropriate federal relief funds received by the State during a state of emergency when the Legislature is not in session. Although your Committee believes that it is imperative to have a process in place to ensure that crucial services are available to support and protect the residents and visitors of the State, your Committee recognizes that appropriations can be restrictive and difficult to implement during times of emergency, when needs and requirements are changing rapidly.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language to establish a Joint Legislative Emergency Response and Recovery Committee that can address budgetary matters and other matters relating to the emergency response and recovery of the State;
- (2) Amending language relating to federal funds during a state of emergency to give the Joint Legislative Emergency Response and Recovery Committee and Legislature broad discretion to convene;
- (3) Deleting part II, which would have appropriated federal funds from the American Rescue Plan Act of 2021 for COVID-19 response pursuant to Public Law 117-2; provided that the funding of certain programs be paid for from a county's share of federal funds; 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 H.B. No. 573, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 573, 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, 5. Noes, none. Excused, none.

SCRep. 1224 (Joint) Government Operations and Commerce and Consumer Protection on H.B. No. 424

The purpose and intent of this measure is to require all agencies of the State, when renting a vehicle to conduct official government business, to adopt a preference for renting electric vehicles or hybrid vehicles.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, County of Kaua'i Office of Economic Development, Hawaiian Electric Company, Climate Protectors Hawaii, Kauai Climate Action Coalition, Enterprise Holdings, Environmental Justice Task Force of Faith Action for Community Equity, Our Revolution Hawaii, 350.org, and nine individuals.

Your Committees find that to meet the State's goal of one hundred percent renewable energy by 2045, it is essential to reduce carbon emissions by beginning the conversion of the State's motor pools to zero-emission vehicles (ZEVs) as soon as practicable. This measure encourages and incentivizes the demand for electric and hybrid vehicle rentals for government use and provides rental car contractors with a guaranteed market, which they can also use to test visitor demand. According to testimony received by your Committees, increased use of electric and hybrid vehicles in Hawaii may also facilitate the rollout of needed infrastructure to support ZEVs, such as electric vehicle charging stations, in the State.

Your Committees have amended this measure by:

- (1) Requiring agencies to exercise the policy preference for renting electric vehicles or hybrid vehicles when the rental rate for the electric vehicle or hybrid vehicle is comparable to that of a conventional vehicle of similar class; 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 Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 424, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 424, 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, 5. Noes, none. Excused, none. Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 1225 (Joint) Energy, Economic Development, and Tourism and Transportation on H.B. No. 552

The purpose and intent of this measure is to:

- Require that the procurement policy for each agency purchasing or leasing medium- and heavy-duty motor vehicles shall be to seek vehicles that reduce dependence on petroleum-based fuels that meet the needs of the agency, where feasible and costeffective;
- (2) Establish clean ground transportation goals for state agencies on a staggered basis until achieving a complete inventory of clean state-owned, light-duty motor vehicles by December 31, 2035; and
- (3) Require state and county agencies to purchase building materials that reduce the carbon footprint of the project for use on the construction of new roads, where feasible and cost-effective.

Your Committees received testimony in support of this measure from the Department of Transportation, Hawaii State Energy Office, Hawaiian Electric, SanHi Government Strategies, Hawaii Electric Vehicle Association, Big Island Electric Vehicle Association, Kauai Electric Vehicle Association, Pacific Biodiesel Technologies, Sustainable Energy Hawai'i, Ulupono Initiative, Blue Planet, Sierra Club of Hawai'i, Environmental Caucus of The Democratic Party of Hawai'i, Hawaii Automobile Dealers' Association, Climate

Protectors Hawaii, and eight individuals. Your Committees received comments on this measure from the State Procurement Office, Hawaii Petroleum Marketers Association, 350Hawaii, and one individual.

Your Committees find that it is vital that the State begin transitioning away from imported fossil fuel-power ground transportation and toward a cleaner and more efficient transportation system powered by renewable, local energy sources.

Your Committees further find that an effective way to combat the State's reliance on imported fossil fuels is to transition to the use of electric vehicles, which are less expensive to operate on a per-mile basis than their gas-powered counterparts. This measure ensures that the State is progressing toward its goal of one hundred percent clean energy ground transportation by 2035.

Your Committees have amended this measure by:

- (1) Removing the requirement that the Department of Transportation and the Hawaii State Energy Office to develop strategies to transition all light-duty motor vehicles in the State to meet the clean ground transportation goals;
- (2) Removing the requirements that state and county agencies purchase building materials that reduce the carbon footprint of the project for use on the construction of new roads, where feasible and cost-effective;
- (3) Updating the priority list for selecting vehicles for lease or purchase to include vehicles that are one hundred percent biodiesel fueled, as fifth on the priority list for vehicle selection;
- (4) Adjusting the clean ground transportation goals for state agencies on a staggered basis, with forty percent of its fleet of light-duty motor vehicles powered by renewal sources by December 31, 2025, and one hundred percent of its fleet powered by renewable sources by December 31, 2030;
- (5) Requiring the Hawaii State Energy Office to lead the efforts to incorporate energy efficiency, renewable energy, energy resiliency, and clean transportation to reduce costs and achieve clean energy goals across all public facilities;
- (6) Requiring that all new light-duty passenger vehicles purchased for the state's fleet are zero emission vehicles and that the comptroller may authorize an exemption for new fleet vehicle procurements if the zero emission vehicles are cost-prohibitive on a lifecycle basis or unsuitable for the vehicle's planned purpose;
- (7) Requiring that the vehicle selection criteria include one hundred percent biodiesel fueled vehicles, and electric vehicles and fuel cell vehicles using one hundred percent renewable hydrogen are among the priorities for vehicles selected;
- (8) Allowing state and county agencies to include trees and plants with lifespans longer than twenty years as a part of capitol improvement projects;
- (9) Adding the term "green infrastructure" as a new definition;
- (10) Updating the definitions of "capital investment costs" and "construction costs"; 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 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. 552, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 552, 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, 4. Noes, none. Excused, 1 (Fevella).

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

SCRep. 1226 (Joint) Education and Housing on H.B. No. 525

The purpose and intent of this measure is to:

- (1) Clarify that the Department of Education may construct housing for teachers on a public school campus; and
- (2) Require that housing units constructed or acquired on a school campus after June 30, 2021, be rented at an affordable cost to new teachers or teachers teaching in a rural or hard-to-staff location, with priority given to teachers employed full-time at the school where the housing unit is located.

Your Committees received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, Hawaii Association of REALTORS, General Contractors Association of Hawaii, St. Michael the Archangel Parish, and two individuals. Your Committee received comments on this measure from the Hawaii Government Employees Association, AFSCME, AFL-CIO.

Your Committees find that Hawaii continues to suffer from a shortage of licensed teachers. Financial incentives and affordable options for teacher housing are key strategies for the recruitment and retention of teachers, particularly given that Hawaii's teacher salaries continue to trail the nation when adjusted for cost of living. Housing in Hawaii is a big portion of each teacher's paycheck. This measure will enable the building of more affordable teacher housing, which will assist teachers in attaining sustainable and stable residency and make the teaching profession more attractive to teachers in Hawaii.

Your Committees have amended this measure by:

(1) Directing the Department of Education to partner with the Hawaii Public Housing Authority, Hawaii Housing Finance and Development Corporation, and the School Facilities Agency in the construction of teacher housing facilities on school campuses;

- (2) Clarifying that the rental units should be rented at an affordable rate comparable to existing teacher housing;
- (3) Excluding teachers that own other residential real estate from renting units at the teacher housing facility; 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 Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 525, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 525, 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. Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella). Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1227 (Joint/Majority) Housing and Water and Land on H.B. No. 1311

The purpose and intent of this measure is to:

- (1) Remove the construction completion deadline for the Leialii affordable housing project and Keawe Street apartments; and
- (2) Allow the Hawaii Housing Finance and Development Corporation to address chapter 6E, Hawaii Revised Statutes, relating to history preservation, when funding is appropriated for each portion of the Leialii affordable housing project.

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Department of Land and Natural Resources, Office of the Mayor of Maui County, one member of the Maui County Council, and one individual. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs and Kūpuna for the Moʻopuna.

Your Committees find that there is a severe shortage of affordable rental housing in the county of Maui, particularly in the western part of the island. To remedy this problem, the Legislature appropriated funds to expedite and complete the Leialii affordable housing and the Keawe Street apartments housing projects, with the mandate that the projects be completed by 2022. However, in 2020 the State Historic Preservation Division of the Department of Land and Natural Resources notified the Hawaii Housing Finance and Development Corporation that it would require a new archaeological inventory survey for the entire Leialii and Keawe Street projects. Despite discussions between the Hawaii Housing Finance and Development Corporation, the State Historical Preservation Division, and the Office of the Governor, no agreement could be reached, and a new archaeological inventory survey must be performed. In light of this new requirement, your Committees find the 2022 completion deadline imposed by the Legislature cannot be met. This measure will extend the deadline imposed by the Legislature and allow the housing projects to go forward to provide much-needed homes for Maui residents.

Your Committees have amended this measure by:

- (1) Eliminating the provision stating that Leialii affordable housing project shall comply with chapter 6E, Hawaii Revised Statutes, relating to historic preservation, as the existing phased review process by the State Historic Preservation Division is more appropriate;
- (2) Inserting language from the companion to this measure, S.B. No. 607, S.D. 3, which was previously passed by the Senate, clarifying that the developer of the Keawe Street apartments housing project shall be responsible for all costs associated with the archaeological inventory survey for the footprint of their portion of the project but not for the costs of the survey for the entire master planned community; 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 Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1311, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1311, H.D. 2, 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; Ayes with Reservations (Moriwaki). Noes, 1 (Fevella). Excused, none. Water and Land: Ayes, 4; Ayes with Reservations (Riviere). Noes, 1 (Fevella). Excused, none.

SCRep. 1228 (Joint) Water and Land and Housing on H.B. No. 77

The purpose and intent of this measure is to exempt the sale of the leased fee interest in certain affordable leasehold developments by the Hawaii Housing Finance and Development Corporation from legislative approval.

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation. Your Committees received testimony in opposition of this measure from Kūpuna for the Moʻopuna. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that the State is experiencing a severe shortage of affordable housing. Your Committees further find that the exemption from the definition of "public lands" proposed by this measure will streamline the development of affordable housing on state land by reducing the number of approvals required from the Department of Land and Natural Resources as affordable housing projects move forward from set-aside to leasing, entitlement, financing, and development phases.

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 Water and Land and Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 77, H.D. 1, as amended herein, and recommend that it

pass Second Reading in the form attached hereto as H.B. No. 77, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Housing: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1229 Water and Land on H.B. No. 244

The purpose and intent of this measure is to:

- (1) Clarify the data requirements for land recordation by the Bureau of Conveyances on land other than fee simple time share interests deregistered by the Land Court; and
- (2) Require landowners who voluntarily deregister their property to include a plan of the parcel or parcels sought to be deregistered that includes a map and description prepared by a licensed professional surveyor to the Bureau of Conveyances.

Your Committee received testimony in support of this measure from nine individuals.

Your Committee finds that existing Land Court deregistration laws do not ensure that owners who voluntarily deregister their property from the Land Court registration system have a proper map and legal description of their land. This measure seeks to amend existing land deregistration laws to ensure that deregistered lands have the proper documentation describing their original land titles, encumbrances, and rights that is expected of every other piece of land not registered in the Land Court.

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. 244, H.D. 1, 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, 5. Noes, none. Excused, none.

SCRep. 1230 (Majority) Water and Land on H.B. No. 497

The purpose and intent of this measure is to prohibit the counties from requiring, as part of a county zoning ordinance or county rule, a developer with more than one residential unit to obtain the approval of any state agency unless that approval is expressly required by law.

Your Committee received testimony in support of this measure from the Hawaii Operating Engineers Industry Stabilization Fund, HPM Building Supply, and four individuals. Your Committee received testimony in opposition of this measure from the Office of Hawaiian Affairs, Sierra Club of Hawaiii, and one individual. Your Committee received comments on this measure from the Office of Planning.

Your Committee finds that it is in the public interest to address the economic downturn caused by the coronavirus disease 2019 pandemic. According to testimony received by your Committee, this measure will streamline the permitting and regulatory process between the counties and various state agencies and thereby reduce the cost of housing for the State's residents.

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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 497, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 497, 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, 2 (Riviere, Fevella). Excused, none.

SCRep. 1231 (Joint/Majority) Water and Land and Housing on H.B. No. 902

The purpose and intent of this measure is to:

- Exempt lands set aside by the Governor to the Hawaii Housing Finance and Development Corporation (HHFDC) and lands leased to HHFDC by any state department or agency, from classification as public lands subject to Department of Land and Natural Resources management;
- (2) Require the land to be subject to legislative approval prior to the sale or gift of those lands; and
- (3) Require state department or agency lands leased or set aside to HHFDC that are no longer needed for housing, finance, or development, to be returned to the state department or agency that leased or approved the set aside of the lands to HHFDC.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii Housing Finance and Development Corporation; and Stanford Carr Development, LLC. Your Committees received testimony in opposition of this measure from the Office of Hawaiian Affairs, one member of the Maui County Council, Ka Lāhui Hawai'i Kōmike Kalai'āina, Kūpuna for the Moʻopuna, Kanaeokana Kula Hawai'i Network, Native Hawaiian Legal Corporation, Na Kupuna Moku O Keawe, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, Council for Native Hawaiian Advancement, and sixty-one individuals.

Your Committees find that the State is experiencing a severe shortage of affordable housing. According to testimony received by your Committees, only lands to which HHFDC currently holds title in its corporate capacity are excluded from the definition of "public lands". Your Committees further find that the exemption from the definition of "public lands" proposed by this measure will streamline the development of affordable housing on state land by reducing the number of approvals required from the Department of Land and Natural Resources as affordable housing projects move forward from set-aside to leasing, entitlement, financing, and development phases.

Your Committees have 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 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 H.B. No. 902, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 902, 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, 4; Ayes with Reservations (Riviere). Noes, 1 (Fevella). Excused, none.

Housing: Ayes, 4; Ayes with Reservations (Rhoads). Noes, 1 (Fevella). Excused, none.

SCRep. 1232 Water and Land on H.B. No. 1017

The purpose and intent of this measure is to repeal section 188-58.5, Hawaii Revised Statutes, which prohibits the taking, killing, and possession of female spiny lobsters, Kona crabs, and Samoan crabs to allow the Department of Land and Natural Resources (DLNR) to regulate the taking, killing, and possession of these animals through administrative rules.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; and one individual.

Your Committee finds that DLNR currently regulates the taking of spiny lobsters, Kona crabs, and Samoan crabs through administrative rules. According to testimony received by your Committee, the existing statutory prohibition on the taking or killing of these female crustaceans may create a sex ratio and size imbalance of these new species, thusly inhibiting successful reproduction. Your Committee further finds that repealing section 188-58.5, Hawaii Revised Statutes, would remove any limits on DLNR's ability to effectively manage the spiny lobster, Kona crab, and Samoan crab populations 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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1017, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1017, H.D. 1, 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. 1233 Water and Land on H.B. No. 1019

The purpose and intent of this measure is to:

- Establish a five-year Ocean Stewardship Special Fund for the collection and use of monies for the conservation, restoration, and enhancement of the State's marine resources; and
- (2) Authorize the Department of Land and Natural Resources (DLNR) to collect fees for the use and enjoyment of the State's ocean resources.

Your Committee received testimony in support of the measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Kuaʻāina Ulu ʻAuamo, Hawaii Reef and Ocean Coalition, The Nature Conservancy, Ocean Tourism Coalition, and Mālama Pūpūkea-Waimea. Your Committee received comments on the measure from the Pacific Whale Foundation.

Your Committee finds that DLNR needs additional revenue to ensure the health of our nearshore marine ecosystems for present and future generations. According to testimony received by your Committee, if the ocean stewardship user fee is set at a fixed \$1 rate, even with SARS-CoV-2 virus impacts, the State is estimated to generate a net present value of \$14.4 million over a fifteen-year time horizon. Your Committee notes that although this measure repeals the Ocean Stewardship Special Fund on June 30, 2026, the fees, revenues, and other monies to be deposited into the fund are not repealed nor diverted. Your Committee further notes that with the delayed collection of the ocean stewardship user fee, DLNR would have under three years to use the monies collected, thus obstructing its ability to engage in long-term planning for ocean stewardship projects.

Accordingly, your Committee has amended this measure by:

- (1) Extending the sunset date of the Ocean Stewardship Special Fund from June 30, 2026, to June 30, 2030;
- (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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1019, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1019, 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, 5. Noes, none. Excused, none.

SCRep. 1234 Water and Land on H.B. No. 119

The purpose and intent of this measure is to update Act 43, Session Laws of Hawaii 2019, which issues special purpose revenue bonds (SPRB) for the financing, acquisition, remediation, construction and development of the old Kekaha Sugar Mill in Kekaha, Kauai, by:

- (1) Replacing E Ola Mau Na Leo O Kekaha with Kaunalewa as the entity to be assisted by the issuance of the SPRBs; and
- (2) Amending the various industrial services to be realized by Kaunalewa through the acquisition, remediation, and development of the old Kekaha Sugar Mill.

Your Committee received testimony in support of this measure from Kaunalewa, the Mayor of Kaua'i, four members of the Kaua'i County Council, County of Kaua'i Department of Planning, and one individual. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure will allow for the preservation of the old Kekaha Sugar Mill, an historic cultural site, and will assist the creation and development of diverse economic drivers on the west side of Kauai, including supply chain facilities, a community marketplace, workforce development center, and hub for product creation and incubation. Your Committee notes that Kaunalewa applied for the federal Brownfield Community-Wide Assessment Grant for environmental remediation in October 2020 and expects to receive a response from the Environmental Protection Agency in July or August of this year.

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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 119, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 119, 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, 5. Noes, none. Excused, none.

SCRep. 1235 Water and Land on H.B. No. 498

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to use in-lieu fee mitigation to restore, create, enhance, or preserve aquatic habitats or resources as compensatory mitigation prospectively or for past damages.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Hawai'i Reef and Ocean Coalition.

Your Committee finds that natural resource agencies, such as the Department of Land and Natural Resources, prefer compensatory mitigation mechanisms such as in-lieu fee mitigation because in-lieu fee sponsors are often entities with more experience, scientific expertise, and vested long-term interest in natural resource conservation. According to testimony received by your Committee, Hawaii intends to be the first state in the nation to establish in-lieu fee mitigation for coral reefs. Your Committee further finds that this measure would provide the Department of Land and Natural Resources with another innovative mechanism to improve state stewardship of aquatic public trust habitats and resources, increase accountability for aquatic resource damage, and provide a higher quality of restitution for the damaged resources.

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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 498, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 498, 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, 5. Noes, none. Excused, none.

SCRep. 1236 (Majority) Water and Land on H.B. No. 502

The purpose and intent of this measure is to authorize the counties to allow dwellings on each quarter acre, rather than half-acre, of lands in rural districts; provided that the dwellings are consistent with the county general plan and community development plans.

Your Committee received testimony in support of this measure from the Hawai'i Association of REALTORS. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that Hawaii 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 2019 report on Housing Demand in Hawaii, the State needs up to 46,000 housing units to meet anticipated demand by 2030. This measure represents a creative approach to address Hawaii's housing supply crisis.

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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 502, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 502, 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, 1 (Riviere). Excused, none.

SCRep. 1237 Water and Land on H.B. No. 663

The purpose and intent of this measure is to amend how members are appointed to the Game Management Advisory Commission to require the appointment of members by the Governor from lists of nine names each submitted by the President of the Senate and the Speaker of the House of Representatives.

Your Committee received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that the Game Management Advisory Commission presents an opportunity for stakeholders with varying knowledge, experience, and leadership on subsistence and recreational hunting to advise the Board of Land and Natural Resources in conserving and managing game resources in the State. This measure would provide the Legislature with a broader level of involvement in shaping the membership and priorities of the Game Management Advisory Commission.

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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 663, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 663, H.D. 1, 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. 1238 Water and Land on H.B. No. 863

The purpose and intent of this measure is to authorize the issuance of general obligation bonds for the forest stewardship program of the Department of Land and Natural Resources to build and expand facilities of the state tree nurseries.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, University of Hawai'i System, 350.org, Climate Protectors Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, Tree's for Honolulu's Future, Hawai'i Forest Industry Association, and one individual.

Your Committee finds that the strategic planting of trees in agricultural landscapes may increase crop yield, improve soil quality, provide habitat for wildlife, and provide a variety of other benefits. Your Committee further finds that there is a need to repair, update, and expand the infrastructure of the State's tree nurseries so that the Division of Forestry and Wildlife of the Department of Land and Natural Resources can provide high quality native, endangered, and windbreak trees and plants for the public and its reforestation projects.

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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 863, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 863, 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, 5. Noes, none. Excused, none.

SCRep. 1239 Water and Land on H.B. No. 1018

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to adopt rules for a lay net permit for the use or possession of lay nets, including reasonable fees and provisions to address noncompliance with lay net rules.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Malama Pupukea-Waimea, The Nature Conservancy, For the Fishes, and one individual.

Your Committee finds that the Department of Land and Natural Resources (DLNR) 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 DLNR and marked with identification tags and surface buoys. However, your Committee also finds that despite these detailed administrative rules, which are intended to ensure responsible use of lay nets, irresponsible use of lay nets continues with adverse impacts to fishery resources and protected species. This measure would enhance DLNR's ability to enforce lay net rules by allowing DLNR to revoke, suspend, or withhold a permit for non-compliance.

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. 1018, H.D. 2, 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. 1240 Water and Land on H.B. No. 1020

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to temporarily adopt, amend, and repeal certain natural resource rules by formal board action at a publicly noticed meeting if the Board finds that the adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in response to rapidly changing resource conditions

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Office of Hawaiian Affairs; Kuaʻāina Ulu 'Auamo; Malama Pupukea-Waimea; Hawaiʻi Fishermen's Alliance for Conservation and Tradition, Inc.; and For the Fishes. Your Committee received testimony in opposition of this measure from one individual.

Your Committee finds that the intent of this measure is to enable the Board of Land and Natural Resources to adapt management polices and practices to address emergent natural resources issues, while providing the opportunity for public review and input. According to testimony received by your Committee, the adaptive management framework is a powerful tool, not only because of its flexibility, but also because it allows state management efforts to better incorporate the intimate knowledge and experience of those who are observing and connecting with the State's aquatic and terrestrial wildlife resources on a daily basis.

Your Committee has amended this measure by:

- (1) Requiring approval from the Legislature and the Board of Land and Natural Resources prior to the continued adoption, amendment, or repeal of certain natural resource rules;
- (2) Requiring the Department of Land and Natural Resources to submit a report, regarding its actions and findings on the temporary adoption, amendment, and repeal of certain natural resource rules through formal action at a publicly noticed meeting over the past two years, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023; 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. 1020, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1020, 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, 5. Noes, none. Excused, none.

SCRep. 1241 Water and Land on H.B. No. 1021

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or a similar agreement for mutual assistance in the enforcement of wildlife laws.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Reef and Ocean Coalition, The Humane Society of the United States, Hawaiian Human Society, Animal Rights Hawai'i, Friends of Hanauma Bay, For the Fishes, Congressional Sportsmen's Foundation, and one individual.

Your Committee finds that the Interstate Wildlife Violator Compact is a multistate agreement that promotes enforcement of hunting, fishing, trapping, and other wildlife related regulation across state lines. According to testimony received by your Committee, forty-eight states have passed legislation necessary to join the Interstate Wildlife Violator Compact, whereby persons who have had their licenses revoked in one state are prohibited from engaging in those licensed activities in another state that is part of the compact agreement. Currently, Hawaii is not a member of the Interstate Wildlife Violator Compact. Your Committee further finds that this measure would enhance Hawaii's ability to protect and manage wildlife resources for the benefit of all residents and visitors.

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 H.B. No. 1021, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1021, H.D. 1, 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. 1242 (Majority) Water and Land on H.B. No. 1022

The purpose and intent of this measure is to allow the Division of Conservation and Resources Enforcement officers, upon reasonable belief that a person is or was recently engaged in hunting or fishing, to briefly detain that person as necessary, to review any relevant licenses, permits or related documents to allow conduct of the activity, and to inspect the wildlife or aquatic life in that person's possession.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of the Attorney General, Kuaʻāina Ulu 'Auamo, Hawaii Reef and Ocean Coalition, For the Fishes, The Nature Conservancy, Surfrider

Foundation O'ahu Chapter, Mālama Pūpūkea-Waimea, and three individuals. Your Committee received testimony in opposition of this measure from one individual. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that although consent to inspection is a condition for granting a game mammal hunting license in public hunting areas, because unlicensed hunters have not given prior consent to inspection, voluntary compliance must be given to inspect their bags for any illegal taking of wildlife, game, or other natural resources. Your Committee further finds that there is no consent to inspection requirement for non-commercial marine fishing licenses. By lowering the standard for these inspections from upon probable cause to upon reasonable belief, this measure will provide Department of Land and Natural Resources (DLNR) with adequate authority to conduct field inspections for compliance with rules and regulations concerning the taking of natural and cultural resources. Your Committee also finds that this measure clarifies the general conditions under which these inspections would occur. According to testimony received by your Committee, not only is the context, manner, and scope of this administration measure meant to be limited to a civil prosecution and penalty, but its enforcement is limited to its use by DLNR's Conservation and Resources Enforcement Officers in situations related to hunting and fishing activities.

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 H.B. No. 1022, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1022, 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, 1 (Fevella). Excused, none.

SCRep. 1243 Water and Land on H.B. No. 1023

The purpose and intent of this measure is to:

- (1) Establish a nonresident recreational marine fishing license requirement and fees to enable the Department of Land and Natural Resources (DLNR) to manage the marine fisheries resources of the State more effectively; and
- (2) Require DLNR to adopt rules to implement this license.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Reef and Ocean Coalition, and two individuals. Your Committee received comments on this measure from For the Fishes.

Your Committee finds that nonresident recreational fishers directly benefit from enjoyment of Hawaii's marine fishery resources without directly contributing to management of those resources. This measure establishes a nonresident recreational marine license and associated fees to provide DLNR with an additional source of revenue to manage the marine resources of the State more effectively.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1023, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1023, 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, 5. Noes, none. Excused, none.

SCRep. 1244 Water and Land on H.B. No. 1028

The purpose and intent of this measure is to repeal section 171-8.5, Hawaii Revised Statutes, establishing the Koke'e State Park Advisory Council.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that the implementation of the Kōke'e/Waimea Canyon Final Master Plan can take years, if not decades, and requires consultation and community collaboration to have a successful outcome. However, for a variety of reasons, the Kōke'e Advisory Council has not been populated with necessary members. Community advisory groups and other organizations are more flexible than legislatively appointed groups and are equally able to develop long-term relationships with the Division of State Parks. Therefore, this measure repeals the statutory establishment of the Kōke'e State Park Advisory Council.

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. 1028, 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. 1245 Water and Land on H.B. No. 1029

The purpose and intent of this measure is to repeal Act 15, Special Session Laws of Hawaii 2009, establishing living park planning councils.

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

Your Committee finds that Act 15, Special Session Laws of Hawaii 2009, in part, establishes a living park planning council to develop a master plan for each state living park that will provide the framework, proposed rules, measurements for success, and planning process to ensure that the living park achieves its purpose and goals. According to testimony received by your Committee, Act 15 applied specifically to Ahupua'a 'O Kahana State Park, the only intact ahupua'a under the ownership of the State other than the owners of Niihau. However, after ten years, over eighty meetings, and the retention of a private planning contractor, there has been no rours made on the Ahupua'a 'O Kahana State master plan and there has been no further discussion to establish a master plan nor to convene the living park planning council. Your Committee believes that the living park planning council structure has not proven to be productive for the Ahupua'a 'O Kahana State Park and therefore Act 15, Special Session Laws of Hawaii 2009, should be repealed.

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. 1029, 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; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1246 Water and Land on H.B. No. 1030

The purpose and intent of this measure is to:

- (1) Repeal the Aquatic Life and Wildlife Advisory Committees under section 197-4, Hawaii Revised Statutes; and
- (2) Make conforming amendments to sections 197-1 and 197-2, Hawaii Revised Statutes.

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

Your Committee finds that the repeal of Aquatic Life and Wildlife Advisory Committees would reduce the size of the Animal Species Advisory Committee. According to testimony received by your Committee, there is sufficient representation on the Animal Species Advisory Commission to carry out its duties without the four chairpersons of the county Aquatic Life and Wildlife Advisory Committees as members. Your Committee also notes that the Department of Land and Natural Resources can administratively convene similar advisory committees on aquatic life and wildlife when necessary.

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 H.B. No. 1030, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1030, H.D. 2, 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. 1247 (Majority) Water and Land on H.B. No. 1031

The purpose and intent of this measure is to reduce the number of members who serve on the Hawaii Historic Places Review Board (HHPRB) from ten to seven members.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition of this measure from the Historic Hawai'i Foundation and one individual.

Your Committee finds that HHPRB currently has two vacancies and that the terms of two of its members will reach the end of their second term, and be ineligible for reappointment, in a few months. According to testimony received by your Committee, HHPRB has consisted of all ten members for approximately twelve months over the past seven years, and recruitment onto the HHPRB continues to be difficult. Your Committee further finds that this measure does not alter the professional qualification requirements necessary under the National Historic Preservation Act. The reduction in members as proposed in this measure would ease problems in recruitment and reduce the inability to meet and conduct business due to a lack of quorum.

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. 1031, 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, 1 (Fevella). Excused, none.

SCRep. 1248 Water and Land on H.B. No. 1130

The purpose and intent of this measure is to:

- Require the Office of Planning to hire a contractor to, among other things, identify and assess alternative financing, project delivery, and cost recovery mechanisms to recapture the State's upfront investment in transit-oriented development (TOD) infrastructure;
- (2) Require the contractor to consult with representatives of certain governmental entities in conducting the study;

- (3) Require the Office of Planning to report to the Legislature on its findings and recommendations; and
- (4) Authorize the issuance of general obligation bonds.

Your Committee received testimony in support of this measure from the Office of Planning; Hawaii Interagency Council for Transit-Oriented Development; and Stanford Carr Development, LLC.

Your Committee finds that this measure is intended to facilitate the realization of transit-oriented development in compact, mixeduse communities in Hawaii. According to testimony received by your Committee, infrastructure deficits are one of the biggest barriers to achieving transit-oriented development statewide. This measure provides the greater analysis needed to determine and refine appropriate methods for financing and investing in TOD-serving infrastructure necessary in the State.

Your Committee has amended this measure by:

- (1) Clarifying that the Director of the Office of Planning is to be consulted with in conducting the study;
- (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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1130, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1130, 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, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1249 Water and Land on H.B. No. 1276

The purpose and intent of this measure is to:

- (1) Authorize the Board of Land and Natural Resources to adopt, amend, and repeal administrative fee schedules for the Division of State Parks within the Department of Land and Natural Resources (DLNR) by formal board action at a publicly noticed meeting rather than through administrative rulemaking; and
- (2) Make an appropriation from the State Parks Special Fund for the administration of the state parks program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hui Maka'āinana o Makana, and one individual.

Your Committee finds that adaptive management strategies, such as dynamic pricing, have become the standard in many places and travel-related industries. This measure would allow DLNR to replace its rigid pricing models with flexible fee schedules, allowing seasonal fee adjustments to be made without constantly undergoing a cumbersome administrative approval process pursuant to Chapter 91, Hawaii Revised Statutes. According to testimony received by your Committee, DLNR will consult with the Small Business Regulatory Review Board before implementing fees that would affect small businesses.

Your Committee has amended this measure by:

- Clarifying that the Board of Land and Natural Resources has broad discretion to adopt, amend, or repeal administrative fee schedules for all state park user fees; 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. 1276, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1276, 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, 5. Noes, none. Excused, none.

SCRep. 1250 Water and Land on H.B. No. 1280

The purpose and intent of this measure is to transfer operational authority over the Makai Research Pier (Pier) located at the southeast corner of Oahu, from the University of Hawaii to the Natural Energy Laboratory of Hawaii Authority (NELHA), and authorize general obligation bonds and appropriate funds to repair and upgrade the Pier.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; University of Hawai's System; Natural Energy Laboratory of Hawaii Authority; and Makai Ocean Engineering, Inc.

Your Committee finds that the Pier enables local ocean technology companies to create high-paying, highly skilled professional jobs and to expand and diversify Hawaii's economy. According to testimony received by your Committee, this measure would not only allow the Pier to remain operational, but also allow its tenants to continue to compete and win against mainland peers in the award of high-quality federal research and development projects.

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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1280, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1280, 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, 5. Noes, none. Excused, none.

SCRep. 1251 (Joint) Water and Land and Government Operations on H.B. No. 1149

The purpose and intent of this measure is to reorganize and integrate the Land Use Commission (LUC) within a modified Office of Planning (OP), to be renamed the Office of Planning and Sustainable Development.

Your Committees received testimony in support of this measure from the Land Use Commission and Office of Planning. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that the intent of this measure is to streamline government and how it handles land use and planning matters by consolidating the various governmental land use and environmental policy functions of different agencies into one new structure with a focus on sustainable development under a modified Office of Planning. Your Committees note that the original version of this measure was introduced in conjunction with H.B. No. 1318, Regular Session of 2021, which would have integrated the Office of Environmental Quality into the Office of Planning and Sustainable Development created by this measure and created an Environmental Advisory Council to serve as a liaison between the Office of Planning and the general public regarding matters of ecology and environmental quality.

Although your Committees support government efficiency, your Committees received testimony stating that there may be serious concerns and potential legal ramifications in reorganizing existing state entities of various organizational units into the Office of Planning through statute rather than through executive order or administrative rules.

Accordingly, your Committees have amended this measure by:

- (1) Removing language that:
 - (A) Established the Office of Planning and Sustainable Development;
 - (B) Reclassified the Coastal Zone Management Program into a division;
 - (C) Reclassified the Statewide Sustainability Branch into a division;
 - (D) Required OP to act as the lead agency to coordinate climate adaptation and sustainability plans and studies;
 - (E) Allowed the Director of OP to employ staff without regard to chapter 76, Hawaii Revised Statutes;
 - (F) Required OP to also submit its five-year boundary review of the districts to the Governor, Legislature, and appropriate state and county agencies; and
 - (G) Required the LUC to have a separate reporting structure from the Land Use Division in OP;
- (2) Clarifying language regarding the Department of Business, Economic Development, and Tourism's jurisdiction over state planning under chapter 225M and the Hawaii State Planning Act under chapter 226;
- (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 Water and Land and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1149, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1149, 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; Ayes with Reservations (Fevella). Noes, none. Excused, none. Government Operations: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1252 (Joint/Majority) Water and Land and Agriculture and Environment on H.B. No. 469

The purpose and intent of this measure is to establish a mechanism for the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA) pursuant to chapter 166E, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from Ulupono Initiative; Hawaii Cattlemen's Council, Inc.; Hawaii Farm Bureau; Local Food Coalition; Land Use Research Foundation of Hawaii; Kualoa Ranch; Larry Jefts Farms, LLC; Hawaii Aquaculture & Aquaponics Association; Kealia Ranch; Ponoholo Ranch Limited; Hawaii Meats, LLC; Rocker G Livestock; and fifteen individuals. Your Committees received testimony in opposition to this measure from Animal Rights Hawaiii, Sierra Club of Hawaiii, and eleven individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources, Department of Agriculture, and Kapapala Ranch.

Your Committees find that Act 90, Session Laws of Hawaii 2003 (Act 90), now codified as chapter 166E, Hawaii Revised Statutes, was enacted for the purpose of ensuring the long-term productive use of public agricultural lands by allowing certain non-agricultural park lands to be transferred from DLNR to DOA. Your Committees further find since 2003, that DLNR has transferred more than nineteen thousand acres of agricultural land to DOA and additional transfers are in process, mainly consisting of agricultural crop land. The leases and revocable permits managed by DLNR cover approximately one hundred three thousand acres statewide.

Your Committees note that Act 90 also required each transfer to be individually reviewed and approved by the Board of Land and Natural Resources (BLNR) and the Board of Agriculture. While this requirement has been followed, the DLNR has generally excluded large-acre pasture leases from these transfers because of the high natural resource value of certain pasture lands, including

native forests that contain native and endangered plants and wildlife and are important in providing access to other public lands for management, traditional gathering, and public recreation. DLNR has also stated that positive advancement in carbon sequestration challenges, wildlife management, wildfire protection, forestry development, and forest health concerns can be best managed by DLNR because of their mutually beneficial practices with ranching, wildlife protection, and native restoration; responsibility; institutional memory; and expertise to balance the important public trust resources on these lands.

Your Committees further note that concerns have been raised by the lessees of many large acreages of lands, primarily farmers and ranchers, who were notified that the lands they lease would be transferred to the DOA pursuant to Act 90. Because ranchers are only able to obtain revocable leases, ranchers have been hindered in their ability to engage in long-term planning and increasing contributions to local food production. Therefore, your Committees believe that the importance of supporting local farmers and ranchers and strengthening the State's agricultural industry must be balanced with the need to protect Hawaii's environment and safeguard other public-land priorities.

According to testimony received by your Committees, DOA has greater flexibility to amend, extend, and issue new pasture leases by negotiation than DLNR. Your Committees further believe that DNLR should have the same flexibility to negotiate its pasture leases and industrial leases to better manage the State's natural resource lands.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have:
 - (A) Required DOA to transmit a list of disputed lands to DLNR by January 1, 2022, for review by DLNR;
 - (B) Required BLNR to establish a third-party advisory committee to make certain determinations prior to any disposition or transfer of the disputed lands if there is disagreement between DOA and DLNR;
 - (C) Required the disputed lands to remain under the jurisdiction and management of DLNR until a mutual agreement was reached regarding their disposition;
 - (D) Required lands for which DOA and DLNR do reach a mutual agreement regarding their disposition to be transferred to the DOA; and
 - (E) Required that beginning with the 2026-2027 fiscal year, and no less than every fifth fiscal year thereafter, DOA and DLNR undertake the same process regarding disputed lands;
- (2) Inserting language to:
 - (A) Clarify that prior to offering a lease, DOA shall inquire with DLNR regarding any easements required by DLNR to access landlocked forest reserves or other assets of DLNR on the lands subject to the lease;
 - (B) Require DOA and DLNR to meet within one year of the effective date of this measure and identify by mutual agreement the non-agricultural parks lands under DLNR's jurisdiction that are not in use for the public purpose for which it has been leased and should be rezoned as conservation district land under DLNR;
 - (C) Transfer all other non-agricultural park lands currently leased and being utilized for the agricultural purpose for which it has been leased to the DOA;
 - (D) Transfer all other non-agricultural lands not identified in the disputed lands process to DOA by December 31, 2023; and
 - (E) Require, beginning in the 2021-2022 fiscal year, and no less than every fifth fiscal year thereafter, that DOA and DLNR meet and determine additional lands that may be appropriate for transfer from DLNR to DOA;
- (3) Requiring DLNR to submit a report on its meetings and progress with DOA to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022;
- (4) Requiring DLNR to submit a report on the transfer of lands to DOA to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023 and every year thereafter;
- (5) Inserting language to authorize BLNR to amend and extend existing pasture or industrial leases and to issue new pasture or industrial leases by negotiation in furtherance of public purposes that are the responsibility of DLNR and DOA to promote, such as food production and natural resource conservation and stewardship;
- (6) Updating and adding legislative findings in accordance with its amended purposes; 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. 469, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 469, H.D. 1, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

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 (Acasio). Excused, none.

SCRep. 1253 (Joint) Human Services and Labor, Culture and the Arts on H.B. No. 718

The purpose and intent of this measure is to require the Department of Human Services to compile data and identify employers that have numerous employees enrolled in public assistance programs so that the legislature and other policy makers will have a deeper

understanding of the causes and sources of underemployment and poverty wages, and the resulting economic impacts on society, business, and the state budget.

Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Human Services, Department of Labor and Industrial Relations, and Civil Beat Law Center for the Public Interest.

Your Committees find that public assistance programs are essential to ensure that all residents have access to healthy food, quality health insurance, basic needs, cash assistance, child care, and income supports. Your Committees also find that some employers may be abusing public assistance programs by providing their employees with low wages and poor benefits with the intention or expectation that the employees will enroll in public assistance programs to subsidize their income. Further, your Committees believe that large, profitable employers should pay wages and benefits that do not impoverish workers or shift costs to taxpayers. Your Committees also note that the Departments of Human Services and Labor and Industrial Relations should modify and strengthen their current data sharing agreement.

Your Committees have amended this measure by:

- (1) Inserting reporting dates for the Department of Human Services;
- (2) Removing the reference that the Department of Human Services comply with the Health Insurance Portability and Accountability Act privacy standards; 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 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. 718, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 718, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 5. Noes, none. Excused, none. Labor, Culture and the Arts: Ayes, 5. Noes, none. Excused, none.

SCRep. 1254 (Joint) Education and Human Services on H.B. No. 1362

The purpose and intent of this measure is to:

- (1) Establish the Hawaii early childhood educator stipend program to address shortage of early childhood education educators;
- (2) Extend certain effective dates for implementation of Act 46, Session Laws of Hawaii 2020, relating to access to learning;
- (3) Require the application of a uniform assessment for public and charter school kindergarten students; and
- (4) Allow educational data to be shared using an existing system.

Your Committees received testimony in support of this measure from the State Council on Developmental Disabilities, Board of Education, HE'E Coalition, Children's Action Network Speaks!, Early Childhood Action Strategy, Special Education Advisory Council, Democratic Party of Hawai'i Education Caucus, and one individual. Your Committees received comments on this measure from the Department of Education, Department of Human Services, Executive Office on Early Learning, Department of the Attorney General, State Public Charter School Commission, Early Learning Board, Kamehameha Schools, and Kaulanakilohana.

Your Committees find that persons considering a career in the early childhood education field 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 will support individuals seeking to become high-quality early childhood educators, thereby moving the State toward reaching its goal of increasing access to high-quality early learning programs.

Your Committees have amended this measure by:

- (1) Clarifying that that the purpose of the measure is to improve assessment of the longitudinal education and workforce outcomes of students who were provided with early childhood services;
- Removing the prohibition for private partnership funds to go directly to Department of Education schools for the purposes of opening prekindergarten classrooms;
- (3) Specifying that beginning with the 2024 school year, any parent, guardian, or other person having the responsibility for, or care of, a child who will be at least five years of age on or before December 31 of the school year shall enroll the child in a public school kindergarten unless the child is enrolled at a private school or the child's attendance is otherwise exempt;
- (4) Specifying that a collection agency that is contracted by the Executive Office on Early Learning is allowed to collect a commission;
- (5) Clarifying that the Department of Human Services and the Executive Office on Early Learning shall collaborate to identify the need for child care and early learning in geographic regions of the State and consider using public facilities, including school, libraries, and the University of Hawaii System as locations for child care and early learning programs rather than collect annual data;
- (6) Clarifying that joint reports to be submitted by the Department of Human Services and Executive Office on Early Learning to monitor the progress of implementing the early care and education sector programs shall be submitted to the Legislature prior to the convening of the regular sessions of 2024, 2025, 2026, and 2027;

- (7) Inserting section 13 of Act 46, Session Laws of Hawaii 2020, to be amended to clarify that the Department of Human Services will work with other state departments and agencies provide inter-departmental data sharing through the statewide longitudinal data system for the purposes of evaluating outcomes through early education to workforce;
- (8) Clarifying that the Department of Human Services will provide licensure for all programs funded by section 15 of Act 46, Session Laws of Hawaii 2020, for the purposes of health and safety;
- (9) Inserting a blank appropriation to fund one full-time equivalent (1.0 FTE) position to coordinate, staff, and facilitate the implementation of Act 46, Session Laws of Hawaii 2020, which will report to the Early Learning Board; 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 Education and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1362, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1362, 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, 4. Noes, none. Excused, 1 (Kim). Human Services: Ayes, 5. Noes, none. Excused, none.

SCRep. 1255 Labor, Culture and the Arts on H.B. No. 465

The purpose and intent of this measure is to:

- (1) Require the representative of labor on the Hawaii Labor Relations Board (Board) to be a person whose name has been chosen by the exclusive representatives of the collective bargaining units through a process determined by a simple majority of exclusive representatives and submitted to the Governor for appointment with the advise and consent of the Senate;
- (2) Allow a simple majority of the exclusive representatives who recommended the nominee to transmit the nominee's name directly to the Senate for confirmation if the Governor fails to do so within twenty days after submission of the nominee's name to the Governor; and
- (3) Allow a simple majority of the exclusive representatives of the collective bargaining units to remove, via a written request to the Governor, the representative of labor from the Board during the member's term.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State Teachers Association; United Public Workers, AFSCME Local 646, AFL-CIO; and University of Hawaii Professional Assembly. Your Committee received testimony in opposition to this measure from the Office of Collective Bargaining. Your Committee received comments on this measure from the Hawaii Labor Relations Board.

The Board is a quasi-judicial board with jurisdiction over public and private sector collective bargaining and cases pertaining to state occupational safety and health citations and whistleblower discrimination claims. The Board consists of three members — the Chair, who is the representative of the public, one member who is a representative of management, and one member who is a representative of labor. All three Board members are appointed to six-year terms by the Governor.

Under existing law, the representative of management is appointed by the Governor, who must first consider the names submitted by each county. The representative of labor is appointed by the Governor from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives of the collective bargaining units.

This measure requires the Governor to appoint as the representative of labor, the one individual chosen by the exclusive representatives of the collective bargaining units; and if the Governor fails to transmit that nominee's name to the Senate for advice and consent within twenty days after the exclusive representatives' submission of the nominee's name to the Governor, allows a simple majority of the exclusive representatives who recommended the nominee to transmit the nominee's name directly to the Senate for confirmation. This measure also allows a simple majority of the exclusive representatives to remove, via a written request to the Governor, the representative of labor from the Board mid-term, if they determine that the member is ineffective.

Your Committee acknowledges testimony from numerous labor unions supporting this measure on the basis that the existing appointment process provides the Governor with too much authority over the composition of the Board. Your Committee also notes the labor unions' testimony regarding their struggle in finding three nominees with the required qualifications, and their call for an established mechanism for removal and replacement of a labor representative, who fails to represent labor's best interests. Your Committee also acknowledges the testimony of the Office of Collective Bargaining, finding no compelling reason to limit the pool of nominees for the representative of labor from three to one. Since this measure leaves the Governor with no choice but to appoint the single nominee as the representative of labor, the Governor's authority over the process will be diminished from being discretionary to ministerial. According to the Office of Collective Bargaining, there are no other boards or commissions in the State over which the Governor's appointment authority is ministerial.

Your Committee also acknowledges the testimony of the Board itself, raising numerous concerns over the current appointment process and the process provided in this measure. This includes the fact that despite the Board having jurisdiction over three constituencies, only the state public employment collective bargaining sector has a voice as to who sits on the Board. The positions of private sector unions and small businesses are not reflected. The Board also points to its duty to act as a neutral body that does not favor certain parties. To maintain the Board's independence and neutrality, the members are protected from being removed based on political reasons or a party's negative response to an outcome of a case. The Board is concerned that the removal process provided in this measure may jeopardize its duty to remain neutral and take actions based on the facts and the law. Your Committee also notes the concerns raised by the Board as to whether the removal process without due process, i.e., removal without cause and the opportunity to defend and appeal, is constitutional and consistent with legal provisions related to other boards and commissions.

Based on the testimonies and these concerns, your Committee finds that this measure requires further review and consideration.

Your Committee has amended this measure by:

- (1) Repealing unnecessary details relating to section 26-34, 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 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. 465, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 465, 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, 5; Ayes with Reservations (Ihara, Fevella). Noes, none. Excused, none.

SCRep. 1256 Labor, Culture and the Arts on H.B. No. 670

The purpose and intent of this measure is to authorize the forfeiture of certain Employees' Retirement System (ERS) benefits, pursuant to court order, for state or county employees and their designated beneficiaries who are convicted of an employment—related felony.

Your Committee received testimony in support of this measure from Common Cause Hawaii and eight individuals. Your Committee received comments on this measure from the Employees' Retirement System.

Your Committee finds that public officers and employees are responsible for upholding the public's trust in government and democracy. The public's belief in government and democracy become strained when public officers and employees participate in misconduct in their employment while maintaining the benefits of their employment. Your Committee finds that while existing law requires an employee of the State or county who is convicted of a felony to have their employment terminated, the employee is still entitled to receive benefits from the ERS. Public employees who have been convicted of a felony that is directly related to the employee's position or duties ultimately lose the trust of the public by misusing their position, and therefore, should no longer be eligible to receive benefits accrued during their employment with the State or county. Your Committee further finds that beneficiaries who were convicted of a felony based on the same set of circumstances as the member, former member, or retirant who was subject to forfeiture of their retirement benefits, should not be allowed to receive ERS benefits either. This measure will prohibit public employees and their designated beneficiaries from receiving ERS benefits should they be convicted of a felony relating to the public employees' employment, thereby demonstrating that the State takes the ethics of its employees seriously.

Your Committee has amended this measure by:

- (1) Clarifying that the court may decree a forfeiture of one-half of an ERS member, former member, or retirant's ERS benefits upon the individual's conviction of a felony related to individual's employment with the State or county;
- (2) Clarifying that upon the death of the convicted ERS member, former member, or retirant, the designated beneficiary may receive the reduced benefits to which the member, former member, or retirant would be entitled under this measure;
- (3) Clarifying that designated beneficiaries who have been convicted of a felony based on the same set of circumstances as the member, former member, or retirant, who was ordered to forfeit their ERS benefits under this measure shall not receive any ERS benefits;
- (4) Inserting an effective date of 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 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. 670, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 670, 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, 5. Noes, none. Excused, none.

SCRep. 1257 Labor, Culture and the Arts on H.B. No. 929

The purpose and intent of this measure is to facilitate the Employees' Retirement System's (ERS) processing of Hawaii domestic relations orders by providing clarity on the processing procedure and benefits subject to the orders. Specifically, this measure clarifies that:

- Hawaii domestic relations orders apply to benefits an ERS member is expected to receive or is receiving without regard to any Hawaii domestic relations order;
- (2) The release of an ERS member's information may be initiated by a complaint for divorce or a divorce decree;
- (3) The ERS may issue and provide notification as to whether a proposed domestic relations order meets the requirement for a Hawaii domestic relations order to the ERS member, former member with vested benefit status, retirant, or alternate payee, in addition to the person who submitted the proposed domestic relations order;
- (4) A Hawaii domestic relations order that is enforced on a payout of benefits triggered by termination of ERS membership will not be applied to subsequent benefits resulting from the former member or former member with vested benefit status becoming an ERS member again;

- (5) Should a retirant be deceased within a year of retirement and the retirant's designated beneficiary elect to calculate the death benefit using the alternative benefit option, any payments made to an alternate payee pursuant to the terms of a Hawaii domestic relations order will be deducted as payments received by the retirant;
- (6) The priority of multiple orders will be determined based on the order in which the ERS receives the domestic relations order; and
- (7) The qualification of a domestic relations order shall supersede and terminate the qualification of any prior order between the same parties.

Your Committee received testimony in support of this measure from the Employees' Retirement System Board of Trustees.

Your Committee finds that on July 1, 2020, ERS began its processing of Hawaii domestic relations orders to allow the ERS to directly disburse benefits to a member's former spouse or a spouse in a divorce action who is recognized under the order as an alternate payee. To facilitate the further implementation of Hawaii domestic relations orders and processing of the orders, there is a need to provide clarity on ERS's processing procedures and the types of benefits that are subject to the orders.

Your Committee notes that the companion to this measure, S.B. No. 1083, S.D. 1, which was previously passed by your Committee, is a substantially similar measure that provides clarity on the processing of Hawaii domestic relations orders and the types of benefits that are subject to orders. Your Committee finds that the language in S.B. No. 1083, S.D. 1, is preferable because it does not include multiple conflicting language as to how a Hawaii domestic relations order affects the benefits to which a retirant is entitled.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 1083, 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 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. 929, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 929, 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, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1258 Labor, Culture and the Arts on H.B. No. 930

The purpose and intent of this measure is to amend section 88-103, Hawaii Revised Statutes, to exempt the Employees' Retirement System (ERS) from disclosing certain types of alternative investment fund information, the disclosure of which would likely put the ERS at a competitive disadvantage, pursuant to the Uniform Information Practices Act (Modified), codified at chapter 92F, Hawaii Revised Statutes (UIPA).

Your Committee received testimony in support of this measure from the Employees' Retirement System Board of Trustees. Your Committee received testimony in opposition to this measure from The Civil Beat Law Center for the Public Interest, Society of Professional Journalists Hawaii Chapter, and UNITE HERE Local 5. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the ERS engages in diversified investment, including high-yield private alternative investment funds, to address its \$14.6 million unfunded liability and other financial needs. Due diligence into such investments requires the ERS to invest time and money in acquiring and analyzing detailed proprietary and confidential information regarding the projected performance of each fund. Under current law, information held by the ERS pertaining to such proprietary or confidential information is not explicitly exempted from disclosure under the UIPA. Your Committee further finds that based on the potential risk of the ERS disclosing or required to disclose proprietary and confidential information pertaining to its portfolio, some high-performing funds have been deterred from allowing the ERS to invest with them. Public disclosure of proprietary and confidential information will result in the ERS being precluded from investing in certain high-yield investment opportunities.

Your Committee acknowledges the concerns of The Civil Beat Law Center for the Public Interest and its request to revise the language to clarify that information that is currently subject to disclosure under the UIPA and other laws and is not exempted from disclosure under this measure remains subject to disclosure. Your Committee also believes that it is more appropriate to have provisions pertaining to disclosure of information by the ERS in section 88-103.5, Hawaii Revised Statutes, titled "Disclosure of information", rather than section 88-103, titled "Records".

Your Committee notes that the companion to this measure, S.B. No. 1084, S.D. 1, is a substantially similar measure which was previously passed by your Committee. Your Committee finds that the language in S.B. No. 1084, S.D. 1, is preferable because it is more concise, as pointed out by the ERS; addresses the concern raised by The Civil Beat Law Center for the Public Interest; and amends section 88-103.5, Hawaii Revised Statutes, to include the provisions pertaining to disclosure of information by the ERS.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 1084, 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 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. 930, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 930, 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 (Fevella).

SCRep. 1259 Labor, Culture and the Arts on H.B. No. 1004

The purpose and intent of this measure is to:

- (1) Allow the Department of Labor and Industrial Relations (DLIR) to prohibit the operation of pressure retaining items, amusement rides, and elevators and kindred equipment if fees and fines are not timely paid; and
- (2) Require the Director of Labor and Industrial Relations to establish by administrative rules, the fee schedules for services rendered by the Department and permits, certificates, and licenses required pursuant to the Boiler and Elevator Safety Law, rather than setting the fees in statute.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations.

Your Committee finds that the Legislature established the Boiler and Elevator Special Fund in 2012, as a mechanism for self-sufficiency for the DLIR's Boiler and Elevator Inspection Branch (Branch), Hawaii Occupational Safety and Health Division. The objective was to improve public safety by allowing the Branch to expend the fund to hire and retain the necessary staffing to clear the backlog of critical load tests on elevators, internal inspections of escalators, and inspections of amusement rides. In 2018, the fund was converted into the Boiler and Elevator Revolving Fund (Revolving Fund). Under the law, all fees collected for services rendered under the Boiler and Elevator Safety Law, such as inspection and examination fees and fees for issuance of permits, certificates, and licenses, are required to be paid into the Revolving Fund. Your Committee finds, however, that the viability of the Revolving Fund is currently threatened, as the DLIR has been struggling to collect the fees for inspections that have been completed. Due to insufficient resources, the DLIR has not been able to perform inspections of all elevators and kindred equipment in a timely manner.

Your Committee finds it imperative that the Revolving Fund be revitalized for the interest of public safety. Your Committee also finds that the fee schedules for boilers and pressure systems, elevators and kindred equipment, and amusement rides are outdated and unnecessary, as they are now set forth in the Department's administrative rules. This measure allows the DLIR to prohibit the operation of pressure retaining items, amusement rides, and elevators and kindred equipment if fees and fines are not timely paid, and requires the Director to establish by administrative rules, the fee schedules for services rendered by the department and permits, certificates, and licenses required pursuant to the Boiler and Elevator Safety Law, rather than setting the fees in statute.

Your Committee notes DLIR's testimony requesting that this measure reflect language from its companion, S.B. No. 1158, S.D. 1, which was previously passed by this Committee and is substantially similar to this measure. Your Committee finds that the language in S.B. No. 1158, S.D. 1, is preferable because the description of the conditions under which the DLIR may issue orders revoking or suspending permits to operate as well as when such orders shall be revoked is clearer. S.B. No. 1158, S.D. 1, also makes a conforming amendment to section 397-2, Hawaii Revised Statutes, as pointed out in the DLIR's testimony.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 1158, 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 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. 1004, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1004, 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 (Fevella).

SCRep. 1260 Labor, Culture and the Arts on H.B. No. 1176

The purpose and intent of this measure is to establish and appropriate funds for a state job corps program within the Department of Labor and Industrial Relations (DLIR) with a focus on the resiliency and green sector industries to help address the unemployment impacts of the coronavirus disease 2019 (COVID-19) pandemic and support economic diversification.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Department of Research and Development of the County of Hawaii; one member of the Hawaii County Council; Kupu; Beach Environmental Awareness Campaign Hawaii; Beyond Organic Consulting, Inc.; Chamber of Commerce of Hawaii; Hawaii Fish Company, Inc.; Hawaiii Public Health Association; Kuaiāna Ulu 'Auamo; Kua O Ka La New Century Public Charter School; Mainstreet-Pahoa Association; The Nature Conservancy; Re-Use Hawaii; Young Democrats of Hawaii; and ten individuals. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that prior to the coronavirus disease 2019 (COVID-19) pandemic, Hawaii had one of the lowest unemployment rates in the nation; however, the pandemic has placed tens of thousands of Hawaii residents out of work, and the current state unemployment rate is among the nation's highest. Your Committee also finds the State's commitment to uphold the Paris Climate Accord and attain its 2045 zero-emissions clean economy target requires the State to invest in its community and emerging economic sectors. This measure provides Hawaii residents who were economically impacted by the COVID-19 pandemic with opportunities to learn new skills and increase their prospects of employment in the resiliency and green sectors, while building a diversified economy.

Your Committee notes testimony from the Department of Land and Natural Resources (DLNR) on its long-time partnership with AmeriCorps and Kupu through their mentorship programs that have been hugely successful in increasing Hawaii youth employment in not only the conservation sector but also the workforce at large. Your Committee also notes Kupu's testimony attesting to the DLNR's expertise in the subject matter of green jobs, especially natural resource management, and DLNR's substantial experience in

administering a similar program - the Hawaii Youth Conservation Corps program - under chapter 193, part IV, Hawaii Revised Statutes. Based on these testimonies, your Committee finds that the DLNR is better suited to administer the job corps program established by this measure.

Accordingly, your Committee has amended this measure by:

- (1) Amending section 1 to reflect the amended purpose of establishing a Green Job Youth Corps program within the DLNR;
- (2) Amending section 193-32, Hawaii Revised Statutes, to allow the Governor to designate the DLNR to administer or enter into an agreement or agreements for the administration of a Green Jobs Youth Corps program;
- (3) Requiring DLNR to submit a report to the Legislature on its implementation of the program prior to the convening of the Regular Session of 2022;
- (4) Changing the expending agency of the funds appropriated from the DLIR to the DLNR; 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 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. 1176, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1176, 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 (Chang).

SCRep. 1261 (Joint) Labor, Culture and the Arts and Government Operations on H.B. No. 1193

The purpose and intent of this measure is to appropriate funds for capital improvement projects relating to Iolani Palace and the State Archives.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services; Department of Land and Natural Resources; The Friends of Iolani Palace; Oahu Economic Development Board; Aloha State Services, Ltd.; Historic Hawai'i Foundation; and ten individuals. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that Iolani Palace and the State Archives are irreplaceable parts of the State's legacy, history, culture, and identity. Iolani Palace, which was constructed in 1879, 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. The 142-year-old palace is an important cultural and historical landmark that represents the dignity and unique history of the people of Hawaii. According to the Department of Land and Natural Resources (DLNR), the last time portions of the palace's roof were repaired was over two decades ago in 2000, and due to increasing decay and leakage during rain, the roof and various other architectural elements of the palace are deteriorating. For example, The Friends of Iolani Palace, the non-profit corporation that preserves, restores, and protects the Iolani Palace, testified that the top-portion of the palace's decorative columns made of lead and weighing approximately three pounds, had recently broken off and fell to the ground. According to DLNR, after the last major storm event, the leakage has expanded to other areas within the palace and threatens the integrity of the exhibits.

The State Archives is responsible for collecting, arranging, describing, and making accessible the public archives of the State. According to the Department of Accounting and General Services (DAGS), the State Archives facility, which was designed in 1954, is severely outdated in both form and function. The facility is currently at ninety-four percent of its approximately 14,000 cubic feet of storage-capacity and is projected to reach full capacity in five years. The current facility's electrical grid cannot accommodate the millions of electronic records being created. Furthermore, the facility's space limitations are severely impinging upon the State Archive's ability to conduct utility classroom activities and make educational and outreach efforts to the public and school groups while serving patrons conducting archival research; display the historical artifacts it holds in the public trust; collect archives and conduct proper processing and conservation of the materials; and engage more volunteers to assist its staff, thereby reducing the number of records that can be made available to the public. Your Committees further find that the coronavirus disease 2019 pandemic, which greatly disrupted the public's ability to travel and access the State Archive records in person, highlighted the need to post more of the records online to be accessible to people around the world, twenty-four hours a day, seven days a week. However, the State Archive's current facility is incapable of providing the digitization infrastructure necessary for such large-scale access.

This measure serves to protect the unique history of Hawaii by appropriating funds for needed repairs and updates for the Iolani Palace and State Archives.

Your Committees note testimony of the Department of Budget and Finance, advising that general obligation bonds cannot be used for operating costs. Your Committees also note that H.B. No. 777, S.D. 1, scheduled to be considered by your Committee on Labor, Culture and the Arts immediately following this measure, proposes to authorize the funding of the State of Hawaii Museum of Natural and Cultural History aka the Bernice Pauahi Bishop Museum (Bishop Museum) and the State of Hawaii Museum of Monarchy History aka Iolani Palace, using the Works of Art Special Fund. The State Foundation on Culture and the Arts submitted testimony opposing H.B. No. 777, S.D. 1, stating that this measure is better suited to appropriate the funds being sought by the Bishop Museum and Iolani Palace.

Accordingly, your Committees have amended this measure by:

- (1) Inserting \$2,965,000 as the sum of general obligation bonds the Director of Finance is authorized to issue under this measure for the purposes of financing the following capital improvement projects:
 - (A) Iolani Palace: \$1,000,000 for construction and equipment for renovation and improvements to the roof, to be expended by DLNR;

- (B) State Archives: \$1,000,000 for development of 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, to be expended by DAGS;
- (C) Bishop Museum: A total of \$965,000 for plans, design, construction, and equipment for renovations and improvements, for the following, to be expended by DAGS:
 - (i) \$240,000 for installation of fire sprinkler systems in Pauahi Building;
 - (ii) \$100,000 for nitrate removal and fire safety improvements in Pauahi Building;
 - (iii) \$375,000 for fire rated egress improvements for Konia Building; and
 - (iv) \$250,000 to repair water infiltration in Hale Kini Building; 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 Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1193, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1193, 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. Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Keohokalole). Government Operations: Ayes, 5. Noes, none. Excused, none.

SCRep. 1262 Labor, Culture and the Arts on H.B. No. 1253

The purpose and intent of this measure is to prohibit employers, with certain exemptions, from:

- (1) Requiring an employee to download a mobile application to the employee's personal communication devices that enables the employee's location to be tracked or their personal information revealed;
- (2) Terminating or otherwise discriminating against an employee for refusing to download a mobile application to the employee's personal communication device; or
- (3) Discharging or otherwise discriminating against an employee for filing a complaint, testifying, or assisting in any proceeding concerning these unlawful practices.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations. Your Committee received testimony in opposition to this measure from the Chamber of Commerce of Hawaii; Maui Chamber of Commerce; and Retail Merchants of Hawaii, Inc. Your Committee received comments on this measure from Society for Human Resource Management Hawaii.

Your Committee finds that the high rate of transmission of the coronavirus disease 2019 has necessitated the development of new public health tools to mitigate the spread of the virus. These tools include job-driven tracking devices and technologies such as the Global Positioning System (GPS). While mobile phone users may voluntarily agree to be tracked, your Committee finds that such applications have raised privacy concerns and anxiety over potential misuse of the tracking information, and therefore, the mandatory downloading and use of such applications should not be a condition of employment. This measure will prohibit an employer, with certain exemptions, from requiring employees to download the mobile application to their personal communication devices, and taking adverse action against an employee who refused to do so or against an employee for filing a complaint, testifying, or assisting in any proceeding regarding violations of provisions in this measure.

Your Committee notes testimony regarding the existing use of tracking devices and technologies by employers for purposes of efficiency, accountability, safety, and productivity to increase service to customers in Hawaii. Your Committee finds that use of tracking devices and technologies for such purposes may be justified, provided that the devices are owned by the employer or the employee's cost of using the device is reimbursed by the employer.

Your Committee has amended this measure by:

- Amending the definition of employee to include a prospective employee who has applied for or otherwise actively expressed interest in employment with an employer;
- (2) Adding definitions of "employer-owned communication device" and "mobile application";
- (3) Clarifying that it is unlawful for an employer to require, as a condition of employment or continued employment, an employee to download to their personal communication device, a mobile application that enables the employee's location to be tracked or the employee's personal information to be revealed;
- (4) Clarifying that it is unlawful for an employer to terminate, discharge, or otherwise discriminate against an employee who has refused to consent to downloading to their personal communication device, a mobile application that enables the employee's location to be tracked or the employee's personal information to be revealed;
- (5) Deleting the exemption for mobile applications that are required as a condition of employment and related to the functions of the employment position;
- (6) Allowing an employer to require an employee to carry or use a communication device that enables the employee's location to be tracked if the device is owned or whose cost is reimbursed by the employer;
- (7) Clarifying that a person, not limited to an employee, can commence a civil action; 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 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. 1253, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1253, H.D. 3, 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. 1263 (Joint) Human Services and Health on H.B. No. 474

The purpose and intent of this measure is to preserve access to affordable health care for Medicaid recipients by extending the Hospital Sustainability Program for two years.

Your Committees received testimony in support of this measure from the Department of Human Services, The Queen's Health Systems, Hawai'i Primary Care Association, Adventist Health, Kaiser Permanente Hawai'i, Healthcare Association of Hawaii, and Hawai'i Pacific Health.

Your Committees find that the hospital sustainability program was established in 2012 and has served a critical role in strengthening the health care system in Hawaii. In the nine years since its inception, the hospital sustainability program has helped acute care facilities treat the most vulnerable patients in the State, especially low-income individuals who require hospital services. Your Committees further find that even with this program, hospitals in the State face major financial challenges. These challenges were exacerbated by the health and financial pressures related to the coronavirus disease 2019 pandemic. Your Committees also find that provider fees exist in forty-nine states and the District of Columbia as a means of drawing down federal funds to sustain Medicaid programs due to rising state budget deficits, increasing health care costs, and expanding Medicaid enrollment. Your Committees find that a provider fee on hospitals can result in substantial increases in Medicaid payments without putting additional constraints on the State's budget. The additional federal funds obtained via the fee program authorized by the hospital sustainability program can maintain access to care for Medicaid recipients. As a result, your Committees find that this will allow hospitals in the State to continue to serve uninsured or underinsured patients in a timely, effective manner.

Your Committees have amended this measure by:

- (1) Inserting an appropriation of \$325,000,000;
- (2) Inserting an effective date of June 29, 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 Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 474, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 474, 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. Human Services: Ayes, 5. Noes, none. Excused, none. Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1264 (Joint) Human Services and Health on H.B. No. 345

The purpose and intent of this measure is to require the court to appoint, at the time an assisted community treatment program petition is filed, any guardian to represent the best interests of the individual who is subject to the petition throughout the pendency of the judicial proceedings

Your Committees received testimony in support of this measure from the Governor's Coordinator on Homelessness; Department of Human Services; Department of Health; Department of the City and County of Honolulu Prosecuting Attorney; Hawaii Substance Abuse Coalition; Partners in Care; Ohana Health Plan; The Institute for Human Services, Inc.; and seventeen individuals. Your Committees received comments on this measure from the Judiciary, Office of the Public Defender, and Hawaii Disability Rights Center.

Your Committees find that the Assisted Community Treatment Program, established in 2013, provides individuals with severe mental illness, and who are unlikely to live safely in the community without available supervision, with the necessary medical treatment and medication when it is in the individual's best interest. Your Committees also find that although the Assisted Community Treatment Program presents these individuals with an opportunity to receive ongoing treatment in the least restrictive setting and serves as a vital alternative to repeat emergency interventions as their primary course of treatment, many mentally ill individuals fail to participate in the program, often due to lack of adequate representation. Your Committees further find that existing law does not require any guardian to be appointed to represent an individual with severe mental illness during Assisted Community Treatment Program proceedings and promote their needs and interests.

Your Committees received testimony from various stakeholders and amendments are necessary to address their concerns. Accordingly, your Committees have amended this measure by:

- (1) Removing all references to "guardian ad litem" and replacing them with "any guardian", or "guardian";
- (2) Requiring the family court to determine if the assisted community treatment petitioner has a guardian, and if not, appoint a public guardian;
- (3) Eliminating the requirement that the Public Defender be appointed to assisted community treatment petitioners or requiring the family court to provide notice to the Public Defender; 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 Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 345, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 345, 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. Human Services: Ayes, 5. Noes, none. Excused, none. Health: Ayes, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1265 Health on H.B. No. 991

The purpose and intent of this measure is to:

- (1) Authorize the Department of Health to disclose vital statistics records for public health and law enforcement purposes; and
- (2) Update eligibility requirements for access to confidential vital statistics records.

Your Committee received testimony in support of this measure from the Department of Health, Department of Transportation, Office of Hawaiian Affairs, and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Civil Beat Law Center for the Public Interest, Society of Professional Journalists Hawaii Chapter, and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the appropriate sharing of vital records to be in the public interest, particularly to expedite law enforcement or judicial proceedings and research to help define unique issues in the State. This measure will allow the Department of Health greater discretion to disclose vital records in certain circumstances for legitimate government and research functions. Your Committee received testimony from the Department of Health that the proposed process of review by its Institutional Review Committee for disclosures made for "research purposes" is consistent with academic and scientific human subject research protocols and standards and assures that requests serve an ethical public good, individual privacy is maintained, and records are appropriately handled. This measure seeks to provide needed data governance and disclosure practices to increase agency and service provider access to public health data, which may be critical to identifying and addressing social determinants of health.

Your Committee heard the testimony of the Department of Health, which noted that vital records include information such as births, deaths, and marriage/civil unions, which contain information such as race and ethnicity, cause of death, relative health at birth, and other qualitative data. The Department recognizes that chapter 338, Hawaii Revised Statutes, provides a high standard for access to vital records; however, flexibility to disclose for situations is required to provide a transparent baseline where affirmative "direct and tangible interests" present. Therefore, amendments to this measure are needed to address the Department's concerns.

Your Committee has amended this measure by:

- (1) Permitting the discretionary publication of vital records index data;
- (2) Providing that the Department of Health may permit persons working on genealogy projects access to microfilm or other copies of vital records of events that occurred more than one hundred fifteen years before the current year;
- (3) Adding a personal representative or trustee of the registrant's estate or trust as a party that has a direct and tangible interest in a public health statistics record;
- (4) Adding a person, agency, or beneficiary of a will or trust who needs access to determine the death of a co-owner of property as a party that has a direct and tangible interest in a public health statistics record;
- (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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 991, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 991, 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 (Moriwaki).

SCRep. 1266 Health on H.B. No. 1281

The purpose and intent of this measure is to:

- Establish a four-year transfer of certain duties, functions, and powers relating to emergency medical services for the City and County of Honolulu from the Department of Health to the City and County of Honolulu;
- (2) Begin transition of the training and billing for emergency services on July 1, 2021;
- Appropriate general funds to the City and County of Honolulu for emergency medical services for fiscal years 2021-2022 and 2022-2023;
- (4) Appropriate half of the monies in the emergency medical services special fund to the general fund for fiscal years 2021-2022 and 2022-2023; and
- (5) Phase out state funding for emergency medical services in the City and County of Honolulu by June 30, 2025.

Your Committee received testimony in support of this measure from the Department of Health and Hawaii Medical Service 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; Honolulu Emergency Services Department; United Public Workers, AFSCME Local 646, AFL-CIO; and one individual.

Your Committee finds that currently, most costs for emergency medical services (EMS) are negotiated by the counties and paid by the State. The total cost of operating a statewide comprehensive EMS system now exceeds \$100,000,000. This measure creates a cost-sharing model for EMS services between the State and counties with population of greater than five hundred thousand residents.

Your Committee notes the testimony of the Department of Health, which proposed multiple amendments that reflects consensus language between the Department of Health and City and County of Honolulu administrators (City) that would facilitate the transition of EMS services from the State to the City while ensuring no lapse in EMS services.

Therefore, your Committee has amended this measure by:

- (1) Inserting a start date of July 1, 2021, for the four-year transition of EMS services from the State to the City;
- (2) Ensuring that the State funds EMS services for the City from the general funds, to transition from one hundred percent funding in the first year to zero percent in the fourth year;
- (3) Establishing a perpetual ceiling on state financial support to City EMS services;
- (4) Updating existing law to authorize the City to have autonomous control over its EMS system but allowing it to continue to participate in systemwide activities;
- (5) Authorizing the City to propose new EMS-related services and enhance revenue; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1281, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1281, 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; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Moriwaki).

SCRep. 1267 Health on H.B. No. 1032

The purpose and intent of this measure is to update and codify within the Uniform Controlled Substances Act, chapter 329D, Hawaii Revised Statutes, certain amendments made to the federal controlled substances law as required by section 329-11, Hawaii Revised Statutes

Your Committee received testimony in support of this measure from the Department of Public Safety and Akamai Cannabis Clinic.

Your Committee finds that this measure is necessary to make permanent the temporary designation of new controlled substances by the Department of Public Safety, and the Department's temporary designation of the new controlled substances will be nullified if not made permanent through legislation. Your Committee also finds that existing law requires that if a substance is added, deleted, or rescheduled under federal law, or by an emergency scheduling action taken by the Department of Public Safety, then the Department is required to recommend that the Legislature make corresponding changes to Hawaii law. Your Committee further finds that the substances listed in this measure correspond to several similar changes to the Drug Enforcement Administration's federally controlled substances schedules. Thus, this measure makes consistent federal and state law.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1032, 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, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1268 (Joint/Majority) Health and Higher Education on H.B. No. 1296

The purpose and intent of this measure is to:

- (1) Repeal the Hawaii tobacco prevention and control trust fund and transfer unencumbered balances to the general fund;
- (2) Specify that Hawaii tobacco settlement special fund monies shall only be deposited into the University of Hawaii revenueundertakings fund until July 1, 2033; and
- (3) Appropriate general funds to the Department of Health for tobacco prevention and control.

Your Committees received testimony in support of this measure from Hawaii Smokers Alliance and ten individuals. Your Committees received testimony in opposition to this measure from the Department of Health; Adventist Health Castle; Hawai'i Pacific Health; AlohaCare; American Cancer Society Cancer Action Network; American Heart Association; American Lung Association; Bay Clinic, Inc.; Blue Zones Project; Hawai'i Community Foundation; Hawaii COPD Coalition; Hawai'i Health & Harm Reduction Center; Hawai'i Public Health Institute; Kapiolani Smokefree Families; Campaign for Tobacco-Free Kids; Big Island Substance Abuse Council; Hawai'i Primary Care Association; Hawaii Substance Abuse Coalition; Kōkua Kalihi Valley Comprehensive Family Services; Lāna'i Community Health Center; Student Health Advisory Council; Waianae Comprehensive Health Center; Waimānalo Health Center; We Are One, Inc.; Hawaii Medical Association; Hawaii' Public Health Association; Save Medicaid Hawaii; and fifty-four

individuals. Your Committees received comments on this measure from the Department of the Attorney General, University of Hawai'i System, and University of Hawaii at Mānoa John A. Burns School of Medicine.

Your Committees find that the coronavirus disease 2019 pandemic severely impacted the State's economy. As a result, the State must find creative solutions to finance programs statewide. This measure allows the State to reallocate monies from the Hawaii tobacco prevention and control trust fund into the general fund while preserving tobacco prevention programs.

Your Committees note the testimony of the Department of the Attorney General, which raised concerns that the measure as drafted may violate article 1, section 10, of the United States Constitution, which bars states from passing laws impairing the obligations of contracts.

Therefore, your Committees have amended this measure by:

- (1) Changing the date by which unencumbered balances to be lapsed from the Hawaii tobacco prevention and control trust fund to the general fund from July 1, 2021, to September 1, 2022;
- (2) Inserting a blank appropriation amount;
- (3) Removing the amendment repealing the tobacco prevention and control advisory board's duty to advise on the administration of the Hawaii tobacco prevention and control trust fund;
- (4) Inserting an effective date of July 1, 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 Health and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1296, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1296, 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.

Health: Ayes, 4; Ayes with Reservations (Moriwaki, San Buenaventura, Fevella). Noes, 1 (Baker). Excused, none.

Higher Education: Ayes, 5; Ayes with Reservations (Kidani, Fevella). Noes, none. Excused, none.

SCRep. 1269 (Joint) Health and Higher Education on H.B. No. 1297

The purpose and intent of this measure is to:

- (1) Require each department to submit program measures, costs elements, and accounting reports for all non-general funds to the Legislature by October 1 of each year;
- (2) Specify that the cigarette tax revenues deposited to the credit of the cancer research special fund shall only be used for capital expenditures and only until July 1, 2041;
- (3) Make certain special funds subject to deductions for central service expenses into the general fund; and
- (4) Transfer to the credit of the general fund, beginning July 1, 2021, surcharges and cigarette tax revenue allocated to the trauma systems special fund.

Your Committees received testimony in support of this measure from the Department of Public Safety. Your Committees received testimony in opposition to this measure from the University of Hawai'i System, American Cancer Society Cancer Action Network, Hawai'i Tourism Authority, University of Hawaii Professional Assembly, Hawaii Substance Abuse Coalition, Ho'ōla Lāhui Hawai'i, Alana Dung Research Foundation, Friends of UH Cancer Center, and eighteen individuals. Your Committees received comments on this measure from the Department of Budget and Finance, Department of Education, Department of Human Services, Department of Taxation, Department of Transportation, Hawai'i Pacific Health, and Hawai'i Pacific Health Wilcox Medical Center.

Your Committees find that the coronavirus disease 2019 (COVID-19) pandemic caused severe economic harm to the State. Requiring non-general fund balances to be transferred to the general fund is a necessary measure to address the State's budget shortfall. Removing exemptions for most special funds from the five percent deduction into the general fund and dissolving other special funds will contribute to the State's economic recovery. Your Committees also find that consolidating the administrative services of the University of Hawaii Cancer Center (UHCC) and the John A. Burns School of Medicine (JABSOM) will save much needed funds and that consolidating the management of public resources provided to the UHCC and JABSOM will avoid unnecessary duplication of administrative expenses or conflicting priorities.

Your Committees recognize the testimony of various stakeholders who raised concerns that requiring the Director of the UHCC to report to the Dean of JABSOM would jeopardize UHCC's status as a National Cancer Institute designated cancer center. Therefore, your Committees have amended this measure by:

- $(1) \quad \text{Removing the requirement that the Director of the UCHH report to the Dean of JABSOM;}$
- Requiring the University of Hawaii to report to the Legislature on the monies in the Hawaii cancer research special fund annually instead of semi-annually; 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 Health and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1297, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1297, 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. Health: Ayes, 5. Noes, none. Excused, none. Higher Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 1270 Education on S.C.R. No. 83

The purpose and intent of this measure is to urge the Department of Education to use Coronavirus Aid, Relief, And Economic Security (CARES) Act, Public Law 116-136, and Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act monies to retain teachers and prevent furloughs.

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.

Your Committee finds that Hawaii continues to suffer from a shortage of licensed teachers with over one thousand vacancies every year. Prior to the economic crisis brought about by the coronavirus disease 2019 (COVID-19) pandemic, the Department of Education heavily depended on hiring teachers from the continent, many of whom leave the islands after a few years due to the hardship posed by the State's high cost of living. Teachers are also leaving the State at an increasing rate. Of the 1,116 teachers who separated from the Hawaii Department of Education in 2017-2018, four hundred twenty-three individuals left for the continent, a seventy percent increase from five years prior. These challenges have created more vacancies and have left positions to be filled by substitutes or emergency hires, especially in rural and high poverty schools. The Department of Education also struggled with recognizing and compensating teachers, thereby not retaining properly credentialed, effective, and committed teachers.

Your Committee further finds that the COVID-19 pandemic has exacerbated these existing issues related to teacher retention. Even with federal assistance coming in the form of funds from the CARES and CRRSA Acts, the Department of Education has \$83,000,000 in projected shortfalls for fiscal year 2021, and \$393,000,000 in fiscal year 2022. Your Committee also finds that while the Department of Education will prioritize federal monies for learning, the Department has also proposed using federal funds towards private tutors and summer school to target learning loss mitigation, while firing other teachers and school staff. Thus, federal monies received by the State for the Department of Education should be used to offset budget restrictions that would otherwise result in layoffs, furloughs, or pay reduction.

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. 83 and recommends its adoption.

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

SCRep. 1271 Education on S.R. No. 63

The purpose and intent of this measure is to urge the Department of Education to use Coronavirus Aid, Relief, And Economic Security (CARES) Act, Public Law 116-136, and Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act monies to retain teachers and prevent furloughs.

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.

Your Committee finds that Hawaii continues to suffer from a shortage of licensed teachers with over one thousand vacancies every year. Prior to the economic crisis brought about by the coronavirus disease 2019 (COVID-19) pandemic, the Department of Education heavily depended on hiring teachers from the continent, many of whom leave the islands after a few years due to the hardship posed by the State's high cost of living. Teachers are also leaving the State at an increasing rate. Of the 1,116 teachers who separated from the Hawaii Department of Education in 2017-2018, four hundred twenty-three individuals left for the continent, a seventy percent increase from five years prior. These challenges have created more vacancies and have left positions to be filled by substitutes or emergency hires, especially in rural and high poverty schools. The Department of Education also struggled with recognizing and compensating teachers, thereby not retaining properly credentialed, effective, and committed teachers.

Your Committee further finds that the COVID-19 pandemic has exacerbated these existing issues related to teacher retention. Even with federal assistance coming in the form of funds from the CARES and CRRSA Acts, the Department of Education has \$83,000,000 in projected shortfalls for fiscal year 2021, and \$393,000,000 in fiscal year 2022. Your Committee also finds that while the Department of Education will prioritize federal monies for learning, the Department has also proposed using federal funds towards private tutors and summer school to target learning loss mitigation, while firing other teachers and school staff. Thus, federal monies received by the State for the Department of Education should be used to offset budget restrictions that would otherwise result in layoffs, furloughs, or pay reduction.

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. 63 and recommends its adoption.

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

SCRep. 1272 Education on S.C.R. No. 63

The purpose and intent of this measure is to request the Department of Education to convene a working group to create a model statewide school policy on student suicide prevention, intervention, and postvention.

Your Committee received testimony in support of this measure from the Department of Education, The Trevor Project, Hawaii Youth Services Network, and seven individuals.

Your Committee finds that suicide is the fourth leading cause of death for children between the ages of ten and fourteen and is the leading cause of death for young people between the ages of fifteen and twenty-four. In Hawaii, suicide accounts for twenty-five percent of all fatal injuries. From 2013-2015, the statewide suicide rate was 12.9 deaths for every one hundred thousand individuals. The percentage of teenagers in the State who plan to commit suicide and the percentage of teenagers who attempt suicide are amongst the highest in the nation. Lesbian, gay, bisexual, transgender, and questioning (LGBTQ+) youth are more likely to experience suicidal ideation, engage in self-injury, consider suicide, and attempt suicide. Additionally, 39.7 percent of homeless youth have had suicidal thoughts and among those who consider suicide, 58.3 percent of individuals attempted suicide.

Your Committee further finds that suicide attempts have harmful, lasting, and profound impacts on families and communities. School personnel who interact with students daily are essential gatekeepers for recognizing warning signs of suicide and making the appropriate referrals for help. Your Committee also finds that the stress of the coronavirus disease 2019 (COVID-19) pandemic and its impacts on education and other stressors have increased mental health issues and suicide risks among youth. Therefore, your Committee believes that the Department of Education should convene a working group to create a model statewide policy on student suicide prevention, intervention, and postvention.

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. 63 and recommends its adoption.

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

SCRep. 1273 Education on S.R. No. 45

The purpose and intent of this measure is to request the Department of Education to convene a working group to create a model statewide school policy on student suicide prevention, intervention, and postvention.

Your Committee received testimony in support of this measure from The Trevor Project and six individuals.

Your Committee finds that suicide is the fourth leading cause of death for children between the ages of ten and fourteen and is the leading cause of death for young people between the ages of fifteen and twenty-four. In Hawaii, suicide accounts for twenty-five percent of all fatal injuries. From 2013-2015, the statewide suicide rate was 12.9 deaths for every one hundred thousand individuals. The percentage of teenagers in the State who plan to commit suicide and the percentage of teenagers who attempt suicide are amongst the highest in the nation. Lesbian, gay, bisexual, transgender, and questioning (LGBTQ+) youth are more likely to experience suicidal ideation, engage in self-injury, consider suicide, and attempt suicide. Additionally, 39.7 percent of homeless youth have had suicidal thoughts and among those who consider suicide, 58.3 percent of individuals attempted suicide.

Your Committee further finds that suicide attempts have harmful, lasting, and profound impacts on families and communities. School personnel who interact with students daily are essential gatekeepers for recognizing warning signs of suicide and making the appropriate referrals for help. Your Committee also finds that the stress of the coronavirus disease 2019 (COVID-19) pandemic and its impacts on education and other stressors have increased mental health issues and suicide risks among youth. Therefore, your Committee believes that the Department of Education should convene a working group to create a model statewide policy on student suicide prevention, intervention, and postvention.

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. 45 and recommends its adoption.

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

SCRep. 1274 Ways and Means on S.C.R. No. 74

The purpose and intent of this measure is to urge the Governor to require the Director of Finance to conduct a statewide program and budget performance review and submit biennial reports to the Legislature in each odd-numbered year.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that pursuant to section 26-8, Hawaii Revised Statutes, the Department of Budget and Finance is required to, among other things, "[c]onduct a systematic and continuous review of the finances, organization, and methods of each department of the State to assist each department in achieving the most effective expenditure of all public funds and to determine that such expenditures are in accordance with the budget laws and controls in force". Your Committee also finds that section 37-70, Hawaii Revised Statutes, requires the Governor to submit to the Legislature biennial program memoranda addressing each of the State's major programs. Accordingly, your Committee believes that it is appropriate for the Governor to require the Director of Finance to perform a statewide program and budget performance review pursuant to this 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 concurs with the intent and purpose of S.C.R. No. 74 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1275 Energy, Economic Development, and Tourism on S.C.R. No. 32

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism and the Department of Accounting and General Services:

(1) Conduct a cost analysis study regarding centralizing and consolidating the state offices in west Hawaii island into one conveniently located complex; and

(2) Submit a report of their findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

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 Department of Human Services and the Department of Business, Economic Development, and Tourism.

Your Committee finds that consolidating state offices in a centralized location in west Hawaii may be more cost effective for the State and beneficial for the public to access state services than housing operations in multiple locations. The cost analysis study requested by this measure would aid the legislature in considering whether to pursue this course of action. Your Committee notes testimony from the Department of Accounting and General Services, which indicated that funding and acquisition of consulting services may be required to perform the study.

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 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, 5. Noes, none. Excused, none.

SCRep. 1276 Energy, Economic Development, and Tourism on S.R. No. 21

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism and the Department of Accounting and General Services:

- Conduct a cost analysis study regarding centralizing and consolidating the state offices in west Hawaii island into one conveniently located complex; and
- (2) Submit a report of their findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

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 Department of Human Services and the Department of Business, Economic Development, and Tourism.

Your Committee finds that consolidating state offices in a centralized location in west Hawaii may be more cost effective for the State and beneficial for the public to access state services than housing operations in multiple locations. The cost analysis study requested by this measure would aid the legislature in considering whether to pursue this course of action. Your Committee notes testimony from the Department of Accounting and General Services, which indicated that funding and acquisition of consulting services may be required to perform the study.

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 concurs with the intent and purpose of S.R. No. 21 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1277 Judiciary on S.C.R. No. 49

The purpose and intent of this measure is to acknowledge the forthcoming centennial of the 1921 Tulsa Race Massacre.

Your Committee received testimony in support of this measure from Common Cause Hawaii and six individuals.

Your Committee finds that in the early twentieth century, African Americans in Tulsa, Oklahoma, district of Greenwood, built a thriving and nationally-renowned entrepreneurial center often referred to as the "Black Wall Street". Your Committee further finds that, from May 31 to June 1, 1921, this community was decimated by thousands of armed white Tulsa residents in a wave of racially-based violence following an unsubstantiated allegation made by a young white woman against a young African American man. Your Committee additionally finds that local officials not only failed to take actions to calm or contain the violence, but aggravated it by providing firearms and ammunition to and deputizing hundreds of white men from a crowd that had gathered as a potential lynch mob, who in that capacity engaged in overt and often illegal acts that destroyed the Greenwood community. Your Committee also finds that this event, known as the 1921 Tulsa Race Massacre, and its aftermath were largely omitted from local, state, and national histories for decades, and that none of the officials or residents who took part in the violence were ever held accountable for their actions.

Your Committee has amended this measure by:

- Inserting language describing resolutions introduced in both chambers of the United States Congress in March 2021, recognizing the one hundred year anniversary of the 1921 Tulsa Race Massacre;
- (2) Requesting the members of the United States Congress to take action to advance the current recognitory resolutions;
- (3) Providing that certified copies be sent to the Majority Leader of the United State Senate, Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, Governor of Oklahoma; Mayor and Councilors of the City Council of Tulsa, Oklahoma; and Chair of the 1921 Tulsa Race Massacre Centennial Commission; 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 concurs with the intent and purpose of S.C.R. No. 49, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 49, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 1278 Education on S.C.R. No. 81

The purpose and intent of this measure is to urge the Department of Education to include the teaching of financial literacy in the existing personal transition plan course requirement for each student.

Your Committee received testimony in support of this measure from the Hawaii Credit Union League and one individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that financial literacy education is a lifelong learning process that empowers individuals to plan for their futures. In the past, the educational system has assumed that students will learn important financial skills from their families. However, not all students are being taught the financial skills they will need to be successful later in life. The lack of financial literacy in students poses a significant barrier for individuals seeking to achieve financial prosperity and stability. Your Committee further finds that although the Department of Education offers a financial literacy elective course, it is not required. This measure will encourage the Department of Education to make financial literacy part of required course work.

Your Committee has amended this measure by specifying that the Department of Education is urged to ensure consistency in the financial literacy course.

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. 81, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 81, S.D. 1.

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

SCRep. 1279 Education on S.R. No. 61

The purpose and intent of this measure is to urge the Department of Education to include the teaching of financial literacy in the existing personal transition plan course requirement for each student.

Your Committee received testimony in support of this measure from the Hawaii Credit Union League and one individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that financial literacy education is a lifelong learning process that empowers individuals to plan for their futures. In the past, the educational system has assumed that students will learn important financial skills from their families. However, not all students are being taught the financial skills they will need to be successful later in life. The lack of financial literacy in students poses a significant barrier for individuals seeking to achieve financial prosperity and stability. Your Committee further finds that although the Department of Education offers a financial literacy elective course, it is not required. This measure will encourage the Department of Education to make financial literacy part of required course work.

Your Committee has amended this measure by specifying that the Department of Education is urged to ensure consistency in the financial literacy course.

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. 61, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 61, S.D. 1.

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

SCRep. 1280 Education on S.C.R. No. 249

The purpose and intent of this measure is to request the Board of Education to authorize an e-sports program for public high schools in the State.

Your Committee received no testimony on this measure.

Your Committee finds that electronic sports, more commonly known as e-sports, are video game competitions, often in organized, multiplayer video games, among professional players who compete individually or as teams. The e-sports industry is projected to produce more than \$1,000,000,000 in global revenue each year, with video game companies being a major driver of jobs in the United States and generating more revenue than the music and film industries combined. The support of high school e-sports in Hawaii could aid in creating a path for students to attend college through networking, scholarships, and mentorship. The support of high school e-sports could inspire student interest in Science, Technology, Engineering, and Mathematics (STEM) topics at a young age. This measure will encourage the Department of Education to offer an e-sport program to high school students, which will promote students' passion for video games through competition and social interactions, foster personal growth and academic research, and educate and prepare students for opportunities in the video game industry.

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. 249 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1281 Education on S.R. No. 208

The purpose and intent of this measure is to request the Board of Education to authorize an e-sports program for public high schools in the State.

Your Committee received no testimony on this measure.

Your Committee finds that electronic sports, more commonly known as e-sports, are video game competitions, often in organized, multiplayer video games, among professional players who compete individually or as teams. The e-sports industry is projected to produce more than \$1,000,000,000 in global revenue each year, with video game companies being a major driver of jobs in the United States and generating more revenue than the music and film industries combined. The support of high school e-sports in Hawaii could aid in creating a path for students to attend college through networking, scholarships, and mentorship. The support of high school e-sports could inspire student interest in Science, Technology, Engineering, and Mathematics (STEM) topics at a young age. This measure will encourage the Department of Education to offer an e-sport program to high school students, which will promote students' passion for video games through competition and social interactions, foster personal growth and academic research, and educate and prepare students for opportunities in the video game industry.

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. 208 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1282 Education on S.C.R. No. 203

The purpose and intent of this measure is to urge the Board of Education to form a special committee or permitted interaction group to monitor and account for how the Department of Education is spending its federal relief funds.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, HE'E Coalition, and one individual.

Your Committee finds that the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, created the Education Stabilization Fund to provide emergency funding for education systems, and within that fund is the Elementary and Secondary School Emergency Relief (ESSER) Fund, which awards monies to states based on their relative share of Elementary and Secondary Act (ESEA) grants for fiscal year 2019. Allowable uses for ESSER funds include the coordination of preparedness and response efforts with state and local public health departments; providing principals with resources necessary to addressing needs of individual schools; addressing the needs of low-income children, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth. The funds may also be used to address how outreach and service delivery will meet the needs of each population; the purchase of educational technology for students, including low-income students and students with disabilities; providing mental health services and support; planning and implementing activities related to summer learning and supplemental after-school programs, including online instruction; and maintaining the continuity of services and the continued employment of existing staff.

Your Committee further finds that on December 21, 2020, Congress passed the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, Public Law 116-260, 2021, which authorized \$900,000,000,000 in stimulus relief through various programs and a \$1,400,000,000,000 omnibus spending. States that received certain federal funds, including monies from the ESSER Fund established by the CARES ACT and the CRRSA Act, are required to assure that they will maintain support for education programs. There are ongoing concerns with the manner in which the Department of Education has been utilizing these ESSER funds, and there have been disagreements between the Board of Education and Department of Education on how ESSER II funds should be spent. This measure will encourage the Board of Education to form a group to oversee the use of those federal funds, which will ensure that there is transparency and accountability in how the Department of Education and their schools utilize those funds to service students

Your Committee notes that the Board of Education should also consider using this special committee or permitted interaction group to create short-, medium-, and long-term strategic plans for the use of federal funds to ensure that the Department of Education maximizes the use of these funds.

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. 203 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1283 Education on S.R. No. 168

The purpose and intent of this measure is to urge the Board of Education to form a special committee or permitted interaction group to monitor and account for how the Department of Education is spending its federal relief funds.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, created the Education Stabilization Fund to provide emergency funding for education systems, and within that fund is the Elementary and Secondary School Emergency Relief (ESSER) Fund, which awards monies to states based on their relative share of Elementary and Secondary Act (ESEA) grants for fiscal year 2019. Allowable uses for ESSER funds include the coordination of preparedness and response efforts with state and local public health departments; providing principals with resources necessary to addressing needs of individual schools; addressing the needs of low-income children, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth. The funds may also be used to address how outreach and

service delivery will meet the needs of each population; the purchase of educational technology for students, including low-income students and students with disabilities; providing mental health services and support; planning and implementing activities related to summer learning and supplemental after-school programs, including online instruction; and maintaining the continuity of services and the continued employment of existing staff.

Your Committee further finds that on December 21, 2020, Congress passed the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, Public Law 116-260, 2021, which authorized \$900,000,000,000 in stimulus relief through various programs and a \$1,400,000,000,000 omnibus spending. States that received certain federal funds, including monies from the ESSER Fund established by the CARES ACT and the CRRSA Act, are required to assure that they will maintain support for education programs. There are ongoing concerns with the manner in which the Department of Education has been utilizing these ESSER funds, and there have been disagreements between the Board of Education and Department of Education on how ESSER II funds should be spent. This measure will encourage the Board of Education to form a group to oversee the use of those federal funds, which will ensure that there is transparency and accountability in how the Department of Education and their schools utilize those funds to service students.

Your Committee notes that the Board of Education should also consider using this special committee or permitted interaction group to create short-, medium-, and long-term strategic plans for the use of federal funds to ensure that the Department of Education maximizes the use of these funds.

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. 168 and recommends its adoption.

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

SCRep. 1284 Education on S.C.R. No. 38

The purpose and intent of this measure is to urge the Department of Education School Food Services Branch to adopt an addendum to its agreements for the Aina Pono Hawaii state farm to school program for the purpose of requiring the procurement of goods and services from food hubs.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Department of Research and Development, County of Hawaii; Hawaii Public Health Institute; Center for Getting Things Started; Ka Ohana O Na Pua; and three individuals. Your Committee received comments on this measure from the Department of Education; City and County of Honolulu Office of Climate Change, Sustainability and Resiliency; and Hawaii Food Bureau.

Your Committee finds that Act 218, Session Laws of Hawaii 2015, spearheaded by the Office of the Lieutenant Governor, established a farm-to-school program within the Department of Agriculture to address the issues of supply, demand, procurement, and consumption of Hawaii-grown foods in state facilities, primarily education facilities, and take reasonable steps to incorporate more agriculture and nutrition education in schools. Your Committee further finds that the Department of Education and Office of the Lieutenant Governor rebranded the farm-to-school program into the Aina Pono Hawaii state farm to school program in 2018 to unite the Department of Education School Food Services Branch's existing health and nutrition education programs, such as Aina Pono Harvest of the Month, test kitchens, meal programs, menu planning, and school gardens.

Your Committee additional finds that farmers in Hawaii face many challenges on their way to achieving economic sustainability. Food hubs provide these small to mid-sized farmers and producers, who are often unable to afford or manage trucks, warehouses, processing space, and storage spaces, with facilities for aggregation, storage, processing, distribution, and marketing support. This measure will increase the procurement of local agricultural products for schools from food hubs.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Education is urged to include food hubs as part of the overall procurement strategy for goods and services related to the Aina Pono Hawaii state farm to school program, however, goods and services are not exclusively to be procured from food hubs; 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 concurs with the intent and purpose of S.C.R. No. 38, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 38, S.D. 1.

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

SCRep. 1285 Education on S.R. No. 27

The purpose and intent of this measure is to urge the Department of Education School Food Services Branch to adopt an addendum to its agreements for the Aina Pono Hawaii state farm to school program for the purpose of requiring the procurement of goods and services from food hubs.

Your Committee received testimony in support of this measure from the Department of Research and Development, County of Hawaii.

Your Committee finds that Act 218, Session Laws of Hawaii 2015, spearheaded by the Office of the Lieutenant Governor, established a farm-to-school program within the Department of Agriculture to address the issues of supply, demand, procurement, and consumption of Hawaii-grown foods in state facilities, primarily education facilities, and take reasonable steps to incorporate more agriculture and nutrition education in schools. Your Committee further finds that the Department of Education and Office of the

Lieutenant Governor rebranded the farm-to-school program into the Aina Pono Hawaii state farm to school program in 2018 to unite the Department of Education School Food Services Branch's existing health and nutrition education programs, such as Aina Pono Harvest of the Month, test kitchens, meal programs, menu planning, and school gardens.

Your Committee additional finds that farmers in Hawaii face many challenges on their way to achieving economic sustainability. Food hubs provide these small to mid-sized farmers and producers, who are often unable to afford or manage trucks, warehouses, processing space, and storage spaces, with facilities for aggregation, storage, processing, distribution, and marketing support. This measure will increase the procurement of local agricultural products for schools from food hubs.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Education is urged to include food hubs as part of the overall procurement strategy for goods and services related to the Aina Pono Hawaii state farm to school program, however, goods and services are not exclusively to be procured from food hubs; 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 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. 1286 (Joint) Human Services and Government Operations on S.C.R. No. 219

The purpose and intent of this measure is to urge the Executive Office on Aging to convene a working group to develop an outreach plan to kupuna to address their lack of digital literacy, broadband access, and computer equipment.

Your Committees received testimony in support of this measure from AlohaCare, LearningBond, and one individual. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committees find that access to broadband connectivity is a foundation for improved economic growth, job creation, global competitiveness, and a better way of life. Your Committees also find that the coronavirus disease 2019 (COVID-19) pandemic and its broad, adverse economic impact underscored that improved access to broadband services across all communities in Hawaii would enhance economic development, education, health care, public safety, and emergency services in those communities. Further, your Committees find that vulnerable members of our community, such as kupuna, homeless, and recently released prisoners, often lack the digital skills necessary to effectivity utilize newer, current technologies to access career and social support opportunities, which may be accessible online and are especially critical during the COVID-19 pandemic. Your Committees find that kupuna are especially eager for opportunities to learn about technologies that would facilitate their aging independently, but the rapid and constant advancement of technology often makes older adults unsure of their ability to use it, which can leave them uncomfortable and lacking in the self-confidence to utilize technology in their everyday life. Accordingly, your Committee believes the Executive Office on Aging, by convening a working group, could assist in formulating a plan to outreach to kupuna on this important issue.

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 concur with the intent and purpose of S.C.R. No. 219 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1287 (Joint) Human Services and Government Operations on S.R. No. 179

The purpose and intent of this measure is to urge the Executive Office on Aging to convene a working group to develop an outreach plan to kupuna to address their lack of digital literacy, broadband access, and computer equipment.

Your Committees received testimony in support of this measure from AlohaCare, LearningBond, and one individual. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committees find that access to broadband connectivity is a foundation for improved economic growth, job creation, global competitiveness, and a better way of life. Your Committees also find that the coronavirus disease 2019 (COVID-19) pandemic and its broad, adverse economic impact underscored that improved access to broadband services across all communities in Hawaii would enhance economic development, education, health care, public safety, and emergency services in those communities. Further, your Committees find that vulnerable members of our community, such as kupuna, homeless, and recently released prisoners, often lack the digital skills necessary to effectivity utilize newer, current technologies to access career and social support opportunities, which may be accessible online and are especially critical during the COVID-19 pandemic. Your Committees find that kupuna are especially eager for opportunities to learn about technologies that would facilitate their aging independently, but the rapid and constant advancement of technology often makes older adults unsure of their ability to use it, which can leave them uncomfortable and lacking in the self-confidence to utilize technology in their everyday life. Accordingly, your Committee believes the Executive Office on Aging, by convening a working group, could assist in formulating a plan to outreach to kupuna on this important issue.

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 concur with the intent and purpose of S.R. No. 179 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1288 Agriculture and Environment on S.C.R. No. 92

The purpose and intent of this measure is to request the Department of Agriculture to consider amending its eligibility qualifications and lease terms for its agricultural lots to aid small farm businesses.

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

Your Committee finds that Hawaii farmers are facing difficulty in obtaining long-term leases and reasonable lease rents because there is pressure on the use of important agricultural land for higher value purposes, resulting in accelerated decline near urban areas due to farmers' disinvestment in their farm operations in anticipation of development. Because lease rents for lands under the Department of Agriculture are lower than privately owned lands, small farmers are attracted to rent lands from the State. However, farmers have had difficulty in meeting bona fide farmer requirements to qualify to lease state lands.

Your Committee also finds that one of the Department of Agriculture's significant challenges for issuing new leases to new and small farming operations is the lack of high quality, vacant farmlands, even though there are qualified bona fide and new farmers applying for desirable parcels. The Department of Agriculture remains amenable to revisiting its current standards for qualifications to lease state farmlands to ensure that it adjusts for and incorporates any changes in agriculture. The initial establishment of the bona fide farmer eligibility requirements to lease state land were established to ensure state agricultural land assets would remain in productive agricultural uses rather than possibly be abused as a vehicle for acquiring inexpensive lands for residential use with minimal farming occurring on the premises. The Department of Agriculture stated that it does not believe modifying the lease qualifications is necessary to improve its ability to fill vacant lands with new small farmers.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 92, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 92, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1289 Agriculture and Environment on S.R. No. 71

The purpose and intent of this measure is to request the Department of Agriculture to consider amending its eligibility qualifications and lease terms for its agricultural lots to aid small farm businesses.

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

Your Committee finds that Hawaii farmers are facing difficulty in obtaining long-term leases and reasonable lease rents because there is pressure on the use of important agricultural land for higher value purposes, resulting in accelerated decline near urban areas due to farmers' disinvestment in their farm operations in anticipation of development. Because lease rents for lands under the Department of Agriculture are lower than privately owned lands, small farmers are attracted to rent lands from the State. However, farmers have had difficulty in meeting bona fide farmer requirements to qualify to lease state lands.

Your Committee also finds that one of the Department of Agriculture's significant challenges for issuing new leases to new and small farming operations is the lack of high quality, vacant farmlands, even though there are qualified bona fide and new farmers applying for desirable parcels. The Department of Agriculture remains amenable to revisiting its current standards for qualifications to lease state farmlands to ensure that it adjusts for and incorporates any changes in agriculture. The initial establishment of the bona fide farmer eligibility requirements to lease state land were established to ensure state agricultural land assets would remain in productive agricultural uses rather than possibly be abused as a vehicle for acquiring inexpensive lands for residential use with minimal farming occurring on the premises. The Department of Agriculture stated that it does not believe modifying the lease qualifications is necessary to improve its ability to fill vacant lands with new small farmers.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 71, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 71, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1290 Agriculture and Environment on S.C.R. No. 258

The purpose and intent of this measure is to urge the Department of Agriculture to identify how coffee berry borer and coffee leaf rust entered into Hawaii and measures to prevent the flow of these invasive species into the State to protect the ongoing viability of Hawaii's coffee industry

Your Committee received testimony in support of this measure from Cassandra Farms, Rancho Aloha, Hawaii Coffee Association, and two individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that in 2010, the coffee berry borer, a small beetle that is harmful to coffee crops worldwide, was found to have infested coffee crops in the Kona and Kau regions of Hawaii island and has since been detected on Oahu, Maui, Kauai, and Lanai. Over ninety percent of coffee farms in the Kona region are affected by the coffee berry borer, where every farm in the region has

experienced a degree of infestation and secondary infestation, drastically reducing the yield of coffee trees and adversely impacting the quantity and price of coffee from the Kona region. Coffee leaf rust can cause severe defoliation of coffee plants that greatly reduces the photosynthetic capacity of plants and vegetative and berry growth are reduced depending on the intensity of rust in the current year. The infestation of coffee farms by the coffee berry borer and coffee leaf rust threatens to dismantle Hawaii's coffee industry because of the severity and rapidity of the infestations.

Despite the lack of resources, the Department of Agriculture has been working with the University of Hawaii and the United States Department of Agriculture Animal and Plant Health Inspection Service to develop measures to prevent the spread of coffee leaf rust, provide outreach, and implement interim rules to limit the spread throughout the State. Your Committee finds that it is imperative that the State understand how the coffee berry borer and coffee leaf rust were introduced to understand and mitigate the risks that these pests may cause to the coffee industry.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 258, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 258, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1291 Agriculture and Environment on S.R. No. 217

The purpose and intent of this measure is to urge the Department of Agriculture to identify how coffee berry borer and coffee leaf rust entered into Hawaii and measures to prevent the flow of these invasive species into the State to protect the ongoing viability of Hawaii's coffee industry

Your Committee received testimony in support of this measure from Kona Coffee Farmers Association and one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that in 2010, the coffee berry borer, a small beetle that is harmful to coffee crops worldwide, was found to have infested coffee crops in the Kona and Kau regions of Hawaii island and has since been detected on Oahu, Maui, Kauai, and Lanai. Over ninety percent of coffee farms in the Kona region are affected by the coffee berry borer, where every farm in the region has experienced a degree of infestation and secondary infestation, drastically reducing the yield of coffee trees and adversely impacting the quantity and price of coffee from the Kona region. Coffee leaf rust can cause severe defoliation of coffee plants that greatly reduces the photosynthetic capacity of plants and vegetative and berry growth are reduced depending on the intensity of rust in the current year. The infestation of coffee farms by the coffee berry borer and coffee leaf rust threatens to dismantle Hawaii's coffee industry because of the severity and rapidity of the infestations.

Despite the lack of resources, the Department of Agriculture has been working with the University of Hawaii and the United States Department of Agriculture Animal and Plant Health Inspection Service to develop measures to prevent the spread of coffee leaf rust, provide outreach, and implement interim rules to limit the spread throughout the State. Your Committee finds that it is imperative that the State understand how the coffee berry borer and coffee leaf rust were introduced to understand and mitigate the risks that these pests may cause to the coffee industry.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 217, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 217, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1292 Agriculture and Environment on S.C.R. No. 234

The purpose and intent of this measure is to urge the Department of Agriculture to expand the quarantine facilities of the plant quarantine branch.

Your Committee received testimony in support of this measure from the Hawaii Coffee Association and one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that responding quickly to newly detected invasive species can often prevent the species from becoming firmly established, saving taxpayers money in the long term. Your Committee notes that administrative rules may allow the Board of Agriculture to shorten or exempt existing quarantine of restricted plants, provided that the plants can be propagated or imported under procedures that would mitigate the risk of pest introductions with associated materials. Your Committee further finds that the Plant Quarantine Branch of the Department of Agriculture is a critical component in meeting the threat of invasive species entering Hawaii and spreading throughout the State. Increased capacity to appropriately quarantine regulated plant materials will benefit growers by enhancing the Department of Agriculture's ability to prevent the entry of invasive species into the State.

Your Committee has amended this measure by:

- (1) Urging the Department of Agriculture to determine the cost of quarantine facilities in affected areas; 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 concurs with the intent and purpose of S.C.R. No. 234, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 234, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1293 Agriculture and Environment on S.R. No. 194

The purpose and intent of this measure is to urge the Department of Agriculture to expand the quarantine facilities of the plant quarantine branch.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that responding quickly to newly detected invasive species can often prevent the species from becoming firmly established, saving taxpayers money in the long term. Your Committee notes that administrative rules may allow the Board of Agriculture to shorten or exempt existing quarantine of restricted plants, provided that the plants can be propagated or imported under procedures that would mitigate the risk of pest introductions with associated materials. Your Committee further finds that the Plant Quarantine Branch of the Department of Agriculture is a critical component in meeting the threat of invasive species entering Hawaii and spreading throughout the State. Increased capacity to appropriately quarantine regulated plant materials will benefit growers by enhancing the Department of Agriculture's ability to prevent the entry of invasive species into the State.

Your Committee has amended this measure by:

- (1) Urging the Department of Agriculture to determine the cost of quarantine facilities in affected areas; 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 concurs with the intent and purpose of S.R. No. 194, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 194, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1294 Human Services on S.C.R. No. 36

The purpose and intent of this measure is to request the Governor's Coordinator on Homelessness to provide a status update on the Kukui'ola Village construction, and to coordinate with the Hawaii Interagency Council on Homelessness to secure additional funding for the Ka Lamaku shelter until construction of the Kukui'ola Village is completed.

Your Committee did not receive testimony on this measure.

Your Committee finds that the Legislature allocated funding to the Hawaii Housing Finance and Development Corporation and 'Ohana Zones initiative to help the State gain momentum in its struggle against homelessness. Your Committee further finds that in November 2019, the County of Hawaii submitted the Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) for Kukui'ola Village, allowing the project to move forward. Your Committee also finds that in September 2020, the County of Hawaii blessed the future Kukui'ola Village site at a groundbreaking ceremony; however, the Ka Lamaku temporary homeless emergency shelter should remain funded while the construction of Kukui'ola Village progresses and until its completion.

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 Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 36, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 36, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1295 Human Services on S.R. No. 25

The purpose and intent of this measure is to request the Governor's Coordinator on Homelessness to provide a status update on the Kukui'ola Village construction, and to coordinate with the Hawaii Interagency Council on Homelessness to secure additional funding for the Ka Lamaku shelter until construction of the Kukui'ola Village is completed.

Your Committee did not receive testimony on this measure.

Your Committee finds that the Legislature allocated funding to the Hawaii Housing Finance and Development Corporation and 'Ohana Zones initiative to help the State gain momentum in its struggle against homelessness. Your Committee further finds that in November 2019, the County of Hawaii submitted the Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) for Kukui'ola Village, allowing the project to move forward. Your Committee also finds that in September 2020, the County of Hawaii blessed the future Kukui'ola Village site at a groundbreaking ceremony; however, the Ka Lamaku temporary homeless emergency shelter should remain funded while the construction of Kukui'ola Village progresses and until its completion.

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 Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 25, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 25, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1296 Commerce and Consumer Protection on S.C.R. No. 72

The purpose and intent of this measure is to request the Department of Commerce and Consumer Affairs to establish a working group to develop funding sources for rural broadband improvement.

Your Committee received testimony in support of this measure from the Hawai'i Primary Care Association and one individual. Your Committee received comments on this measure from the Department of Business, Economic Development & Tourism; Department of Commerce and Consumer Affairs; and Department of Labor and Industrial Relations.

Your Committee finds that the coronavirus disease 2019 pandemic has underscored the critical need for universal broadband access to participate in distance learning, telework and job training, telehealth, social services, and civic and social engagement. This measure will enable coordination among stakeholders to identify broadband deployment obstacles and capitalize on funding opportunities to improve broadband use and foster a robust network and digital equity for all residents, especially those in rural areas of the State.

Your Committee has amended this measure by:

- (1) Correcting the measure's title to reflect the Department of Business, Economic Development and Tourism, rather than the Department of Commerce and Consumer Affairs, is requested to establish the 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 Commerce and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 72, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 72, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1297 Commerce and Consumer Protection on S.R. No. 54

The purpose and intent of this measure is to request the Department of Commerce and Consumer Affairs to establish a working group to develop funding sources for rural broadband improvement.

Your Committee received testimony in support of this measure from the Hawai'i Primary Care Association. Your Committee received comments on this measure from the Department of Business, Economic Development & Tourism; Department of Commerce and Consumer Affairs; and Department of Labor and Industrial Relations.

Your Committee finds that the coronavirus disease 2019 pandemic has underscored the critical need for universal broadband access to participate in distance learning, telework and job training, telehealth, social services, and civic and social engagement. This measure will enable coordination among stakeholders to identify broadband deployment obstacles and capitalize on funding opportunities to improve broadband use and foster a robust network and digital equity for all residents, especially those in rural areas of the State.

Your Committee has amended this measure by:

- (1) Correcting the measure's title to reflect the Department of Business, Economic Development and Tourism, rather than the Department of Commerce and Consumer Affairs, is requested to establish the 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 Commerce and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 54, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 54, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1298 (Joint) Government Operations and Water and Land on S.C.R. No. 78

The purpose and intent of this measure is to request that the Auditor conduct a performance audit of the State Historic Preservation Division of the Department of Land and Natural Resources.

Your Committees received testimony in support of this measure from the Historic Hawai'i Foundation and nine individuals. Your Committees received comments on the measure from the Department of Land and Natural Resources.

Your Committees find that the audits of the State Historic Preservation Division have reported serious internal strife and a significant backlog of project reviews, resulting in the undermining of the preservation and protection of unmarked burial sites throughout the islands. Your Committees further find that the reported systemic and chronic mismanagement of the burial councils by the State Historic Preservation Division has effectively undermined the ability of the island burial councils to provide protection and cultural care to unmarked Hawaiian burial sites in accordance with the program enacted by Act 306, Session Laws of Hawaii 1990.

Your Committees have amended this measure by:

(1) Clarifying that the audit will include all the programs within the State Historic Preservation Division; and

(2) Specifying the scope of the audit to include certain issues, in conformity with the contents of H.B. No. 865, H.D. 1.

As affirmed by the records of votes of the members of your Committees on Government Operations and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 78, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 78, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 1299 Government Operations on S.C.R. No. 29

The purpose and intent of this measure is to request that the Legislative Reference Bureau conduct a study of the benefits and drawbacks of implementing term limits for members of the Legislature.

Your Committee received testimony in support of this measure from the Iron Workers Stabilization Fund and one individual. Your Committee received testimony in opposition of this measure from two individuals. Your Committee received comments on the measure from the Legislative Reference Bureau and Common Cause Hawaii.

Your Committee finds that timely, comprehensive, and detailed data helps to develop good policies through informed decision-making in the State. Your Committee further finds that the information from the study proposed in this measure serves to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 29 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Dela Cruz, Gabbard, Fevella). Noes, none. Excused, none.

SCRep. 1300 Government Operations on S.C.R. No. 26

The purpose and intent of this measure is to annually recognize October 11 in Hawaii as the International Day of the Girl.

Your Committee received testimony in support of this measure from Hawaii Children's Action Network Speaks! and one individual. Your Committee received testimony in opposition of this measure from one individual.

Your Committee finds that girl children worldwide enjoy fewer of the rights, opportunities, and benefits of childhood and adolescence than boys enjoy, such as access to quality education, nutrition, and physical and mental health care. The intent of this measure is to empower and advance girls by increasing awareness of the challenges that girls around the world face and supporting opportunities for girls to reach their full social, political, and economic potential in accordance with their own aspirations.

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 Government Operations 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. 1301 Government Operations on S.R. No. 15

The purpose and intent of this measure is to annually recognize October 11 in Hawaii as the International Day of the Girl.

Your Committee received testimony in support of this measure from Hawaii Children's Action Network Speaks! and one individual.

Your Committee finds that girl children worldwide enjoy fewer of the rights, opportunities, and benefits of childhood and adolescence than boys enjoy, such as access to quality education, nutrition, and physical and mental health care. The intent of this measure is to empower and advance girls by increasing awareness of the challenges that girls around the world face and supporting opportunities for girls to reach their full social, political, and economic potential in accordance with their own aspirations.

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 Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 15, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 15, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1302 Higher Education on S.C.R. No. 201

The purpose and intent of this measure is to request the University of Hawaii and University of Hawaii Professional Assembly to convene a task force to examine and assess the University of Hawaii's tenure system for researchers and other non-instructional faculty in comparison to peer higher education institutions across the United States, and propose the best practices to be implemented by the University of Hawaii.

Your Committee received comments on this measure from the University of Hawai'i System and University of Hawaii Professional Assembly.

Your Committee finds that the University of Hawaii (University) is the only system of public education in Hawaii that is supported by state funds, uses public land set aside for university purposes, and is continually supported by other public resources. The University grants to certain faculty members academic tenure, which is defined as an indefinite appointment that can be terminated only for cause or under extraordinary circumstances such as financial exigency and program discontinuation. Therefore, the University's decision to classify a faculty position as one eligible for academic tenure results in the long-term commitment of public resources for that position.

Your Committee believes that an educated workforce is a critical determinant of the economic and social health of the State, and therefore, the ability to instruct, educate, and prepare students to enter the workforce are indispensable skills that should be supported by public funds. However, the University continues to grant academic tenure to not only "I" (Instructional faculty), but also to Non-Instructional faculty, including "R" (Researchers) who primarily engage in research. Furthermore, according to the American Association of University Professors, from which the modern conception of tenure in the U.S. higher education originated, the tenure system in U.S. higher education has eroded, where the percentage of faculty members that are off tenure-track has been steadily increasing throughout the United States.

Your Committee believes that it is a matter of statewide concern to ensure that public resources are targeted to support academic tenure for faculty whose primary duties are to provide instruction to students. The task force created under this measure will examine and assess the University's tenure system for Researchers and other Non-Instructional faculty, in comparison to peer higher education institutions across the United States and propose the best practices to be implemented by the University.

Your Committee notes and appreciates testimony from the Board of Regents of the University of Hawaii acknowledging its responsibility to establish faculty classifications and informing of its recent formation of a Permitted Interaction Group (PIG) that will be examining the University's post-tenure review process and faculty classification structure. Based on this testimony, your Committee considered if the PIG will be able to address the concerns raised in this measure. However, your Committee was notified that the PIG has a broader, long-term vision pertaining to the University and its mission, and that its initial focus will be on assessing the strategic alignment among the mission of the University, the purpose of academic tenure, and its current tenure practices for the entire faculty.

Your Committee further notes that S.C.R. No. 202, Regular Session of 2021, which is also being heard by your Committee, requests the University to convene a working group to assess the compensation structure of its faculty engaged in activities supported by extramural funding (i.e., monies received through grants or contracts), including Researchers, Specialists, and Extension Agents, in comparison to best practices implemented at peer higher education institutions in the United States. Since the subject matters requested to be examined in this measure and S.C.R. No. 202 both pertain to the University's policies and practices relating to its Non-Instructional faculty, your Committee believes that convening of one task force should be sufficient.

Accordingly, your Committee has amended this measure by:

- (1) Incorporating the language from S.C.R. No. 202;
- (2) Amending its title in accordance with its amended purpose;
- (3) Amending the composition of the task force by including the Associate Executive Director of Governance of the University of Hawaii Professional Assembly; 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 Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 201, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 201, S.D. 1.

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

SCRep. 1303 Higher Education on S.R. No. 166

The purpose and intent of this measure is to request the University of Hawaii and University of Hawaii Professional Assembly to convene a task force to examine and assess the University of Hawaii's tenure system for researchers and other non-instructional faculty in comparison to peer higher education institutions across the United States, and propose the best practices to be implemented by the University of Hawaii.

Your Committee received comments on this measure from the University of Hawai'i System and University of Hawaii Professional Assembly.

Your Committee finds that the University of Hawaii (University) is the only system of public education in Hawaii that is supported by state funds, uses public land set aside for university purposes, and is continually supported by other public resources. The University grants to certain faculty members academic tenure, which is defined as an indefinite appointment that can be terminated only for cause or under extraordinary circumstances such as financial exigency and program discontinuation. Therefore, the University's decision to classify a faculty position as one eligible for academic tenure results in the long-term commitment of public resources for that position.

Your Committee believes that an educated workforce is a critical determinant of the economic and social health of the State, and therefore, the ability to instruct, educate, and prepare students to enter the workforce are indispensable skills that should be supported by public funds. However, the University continues to grant academic tenure to not only "I" (Instructional faculty), but also to Non-Instructional faculty, including "R" (Researchers) who primarily engage in research. Furthermore, according to the American

Association of University Professors, from which the modern conception of tenure in the U.S. higher education originated, the tenure system in U.S. higher education has eroded, where the percentage of faculty members that are off tenure-track has been steadily increasing throughout the United States.

Your Committee believes that it is a matter of statewide concern to ensure that public resources are targeted to support academic tenure for faculty whose primary duties are to provide instruction to students. The task force created under this measure will examine and assess the University's tenure system for Researchers and other Non-Instructional faculty, in comparison to peer higher education institutions across the United States and propose the best practices to be implemented by the University.

Your Committee notes and appreciates testimony from the Board of Regents of the University of Hawaii acknowledging its responsibility to establish faculty classifications and informing of its recent formation of a Permitted Interaction Group (PIG) that will be examining the University's post-tenure review process and faculty classification structure. Based on this testimony, your Committee considered if the PIG will be able to address the concerns raised in this measure. However, your Committee was notified that the PIG has a broader, long-term vision pertaining to the University and its mission, and that its initial focus will be on assessing the strategic alignment among the mission of the University, the purpose of academic tenure, and its current tenure practices for the entire faculty.

Your Committee further notes that S.C.R. No. 202, Regular Session of 2021, which is also being heard by your Committee, requests the University to convene a working group to assess the compensation structure of its faculty engaged in activities supported by extramural funding (i.e., monies received through grants or contracts), including Researchers, Specialists, and Extension Agents, in comparison to best practices implemented at peer higher education institutions in the United States. Since the subject matters requested to be examined in this measure and S.C.R. No. 202 both pertain to the University's policies and practices relating to its Non-Instructional faculty, your Committee believes that convening of one task force should be sufficient.

Accordingly, your Committee has amended this measure by:

- (1) Incorporating the language from S.C.R. No. 202;
- (2) Amending its title in accordance with its amended purpose;
- (3) Amending the composition of the task force by including the Associate Executive Director of Governance of the University of Hawaii Professional Assembly; 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 Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 166, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 166, S.D. 1.

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

SCRep. 1304 Higher Education on S.C.R. No. 183

The purpose and intent of this measure is to request the University of Hawaii (University) to convene a task force to examine and assess the reasonableness, necessity, and feasibility of each of the terms and conditions of its arrangement for services with the Research Corporation of the University of Hawaii (RCUH); determine whether amendments are warranted; and propose amendments.

Your Committee received comments on this measure from the University of Hawai'i System and Research Corporation of the University of Hawai'i.

Your Committee finds that the University is the only system of public education in Hawaii that is supported by state funds, uses public land set aside for university purposes, and is continually supported by other public resources. The RCUH is a public instrumentality of the State that is a part of the University, having the mission of supporting and enhancing research, development, and training in Hawaii, with a focus on the University. To carry out its purposes and objectives, the RCUH is granted flexibility in the obligations to reimburse the state general fund for central service and administrative expenses; certain provisions of the Hawaii Public Procurement Code; Civil Service Law; law relating to public employment; and laws relating to collective bargaining in public employment.

When the University determines that neither it nor another state agency can more effectively or efficiently accomplish the purposes of sponsored research and training activities, it must contract with the RCUH to receive management and other services to support such research and training activities. The terms and conditions of the services provided by the RCUH to the University, including the factors and method by which fees charged by the RCUH are computed, are set forth in an agreement (Service Agreement) between the two parties.

Your Committee finds that concerns have been raised over the transparency of the RCUH's operations and its handling of expenses, as well as the increasing amount of fees it charges and collects from the University. Thus, your Committee believes that the task force created under this measure should not merely review, but also examine and assess the terms and conditions of the Service Agreement and propose amendments thereto to ensure that the fees committed and paid by the University to the RCUH are reasonable and commensurate with and balanced against the needs, priorities, and other demands placed on the University's limited resources.

Accordingly, your Committee has amended this measure by:

- (1) Amending its title in accordance with its amended purpose;
- (2) Inserting language explaining that when the University contracts out sponsored research and training activities to the RCUH, it retains portions of the extramural funds and grants it receives, as internal costs computed by using certain internal costs rates;

- (3) Amending the composition of the task force by including the Director of Finance of the RCUH and reducing the number of members representing the University from four to three;
- (4) Inserting as items requested to be included in the task force's report to the Legislature, the breakdown of the extramural funds and grants received by the University, including the amount of internal costs retained by the University, the formulae and rates used to compute the internal costs, and how the University spent the internal costs; 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 Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 183, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 183, S.D. 1.

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

SCRep. 1305 Higher Education on S.R. No. 148

The purpose and intent of this measure is to request the University of Hawaii (University) to convene a task force to examine and assess the reasonableness, necessity, and feasibility of each of the terms and conditions of its arrangement for services with the Research Corporation of the University of Hawaii (RCUH); determine whether amendments are warranted; and propose amendments.

Your Committee received comments on this measure from the University of Hawai'i System and Research Corporation of the University of Hawai'i.

Your Committee finds that the University is the only system of public education in Hawaii that is supported by state funds, uses public land set aside for university purposes, and is continually supported by other public resources. The RCUH is a public instrumentality of the State that is a part of the University, having the mission of supporting and enhancing research, development, and training in Hawaii, with a focus on the University. To carry out its purposes and objectives, the RCUH is granted flexibility in the hiring of its personnel and in the handling and disbursement of monies, by being excepted from various state laws, including the obligations to reimburse the state general fund for central service and administrative expenses; certain provisions of the Hawaii Public Procurement Code; Civil Service Law; law relating to public employment; and laws relating to collective bargaining in public employment.

When the University determines that neither it nor another state agency can more effectively or efficiently accomplish the purposes of sponsored research and training activities, it must contract with the RCUH to receive management and other services to support such research and training activities. The terms and conditions of the services provided by the RCUH to the University, including the factors and method by which fees charged by the RCUH are computed, are set forth in an agreement (Service Agreement) between the two parties.

Your Committee finds that concerns have been raised over the transparency of the RCUH's operations and its handling of expenses, as well as the increasing amount of fees it charges and collects from the University. Thus, your Committee believes that the task force created under this measure should not merely review, but also examine and assess the terms and conditions of the Service Agreement and propose amendments thereto to ensure that the fees committed and paid by the University to the RCUH are reasonable and commensurate with and balanced against the needs, priorities, and other demands placed on the University's limited resources.

Accordingly, your Committee has amended this measure by:

- (1) Amending its title in accordance with its amended purpose;
- (2) Inserting language explaining that when the University contracts out sponsored research and training activities to the RCUH, it retains portions of the extramural funds and grants it receives, as internal costs computed by using certain internal costs rates;
- (3) Amending the composition of the task force by including the Director of Finance of the RCUH and reducing the number of members representing the University from four to three;
- (4) Inserting as items requested to be included in the task force's report to the Legislature, the breakdown of the extramural funds and grants received by the University, including the amount of internal costs retained by the University, the formulae and rates used to compute the internal costs, and how the University spent the internal costs; 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 Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 148, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 148, S.D. 1.

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

SCRep. 1306 Labor, Culture and the Arts on S.C.R. No. 168

The purpose and intent of this measure is to urge the Department of Human Resources Development to reexamine the qualifications for state positions that are currently vacant and replace the job requirement of a bachelor's degree with an associate degree or certificate, where applicable.

Your Committee received comments on this measure from the Department of Human Resources Development and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that the state government has over 27,700 positions that are currently vacant. The high vacancy rate is a concern for the public to which government provides critical services as well as existing state employees who are overburdened with fulfilling departmental missions with limited personnel. Your Committee further finds that there are various courses offered in the University of Hawaii community college system and apprenticeship programs that prepare participants for jobs in administrative support positions. Upon satisfactory completion of such courses and programs, the participants may apply the work process and related instruction hours to an associate degree or receive certain certificates. This measure will enable individuals with associate degrees and certificates to seek and fill, when appropriate, vacant state positions that currently require a bachelor's degree, and thereby increase the availability and improve the quality of customer service provided to the public, while providing Hawaii residents with access to stable careers and income. Your Committee also believes this will be a good opportunity for the Department of Human Resources Development to conduct a detailed review of the job classifications of the State's workforce and determine qualifications that warrant elimination or revision.

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 concurs with the intent and purpose of S.C.R. No. 168 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1307 Labor, Culture and the Arts on S.R. No. 133

The purpose and intent of this measure is to urge the Department of Human Resources Development to reexamine the qualifications for state positions that are currently vacant and replace the job requirement of a bachelor's degree with an associate degree or certificate, where applicable.

Your Committee received comments on this measure from the Department of Human Resources Development and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that the state government has over 27,700 positions that are currently vacant. The high vacancy rate is a concern for the public to which government provides critical services as well as existing state employees who are overburdened with fulfilling departmental missions with limited personnel. Your Committee further finds that there are various courses offered in the University of Hawaii community college system and apprenticeship programs that prepare participants for jobs in administrative support positions. Upon satisfactory completion of such courses and programs, the participants may apply the work process and related instruction hours to an associate degree or receive certain certificates. This measure will enable individuals with associate degrees and certificates to seek and fill, when appropriate, vacant state positions that currently require a bachelor's degree, and thereby increase the availability and improve the quality of customer service provided to the public, while providing Hawaii residents with access to stable careers and income. Your Committee also believes this will be a good opportunity for the Department of Human Resources Development to conduct a detailed review of the job classifications of the State's workforce and determine qualifications that warrant elimination or revision.

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 concurs with the intent and purpose of S.R. No. 133 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1308 Education on S.C.R. No. 152

The purpose and intent of this measure is to urge the Department of Education to coordinate with the Department of Commerce and Consumer Affairs to implement a graduation requirement of at least a half credit in financial literacy during the junior year or senior year.

Your Committee received testimony in support of this measure from Junior Achievement of Hawaii and Visa, Inc. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that financial literacy is the capacity, based on knowledge, skills, and access, to manage financial resources effectively. Students lacking financial literacy are more likely to have lower credit scores and financial problems than those who received instruction regarding financial matters. The Department of Education, in coordination with the Department of Commerce and Consumer Affairs, offer several financial literacy materials and instruction, but lack a comprehensive financial literacy standard and curriculum. This measure will create a financial literacy task force to implement a financial literacy requirement in schools so that students will be provided practical information on matters relating to banking, credit cards, student loans, filing taxes, credit scores, savings and investments, rental deposits, and wages and benefits analysis.

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. 152 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1309 Education on S.R. No. 118

The purpose and intent of this measure is to urge the Department of Education to coordinate with the Department of Commerce and Consumer Affairs to implement a graduation requirement of at least a half credit in financial literacy during the junior year or senior year.

Your Committee received testimony in support of this measure from Visa, Inc.

Your Committee finds that financial literacy is the capacity, based on knowledge, skills, and access, to manage financial resources effectively. Students lacking financial literacy are more likely to have lower credit scores and financial problems than those who received instruction regarding financial matters. The Department of Education, in coordination with the Department of Commerce and Consumer Affairs, offer several financial literacy materials and instruction, but lack a comprehensive financial literacy standard and curriculum. This measure will create a financial literacy task force to implement a financial literacy requirement in schools so that students will be provided practical information on matters relating to banking, credit cards, student loans, filing taxes, credit scores, savings and investments, rental deposits, and wages and benefits analysis.

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. 118 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1310 Education on S.C.R. No. 160

The purpose and intent of this measure is to request the Department of Education to create a landscape management plan with the goal to increase tree canopies on public school grounds, document existing inventory and talent, and identify additional resources required to implement and sustain the plan.

Your Committee received testimony in support of this measure from the Trees for Honolulu's Future.

Your Committee finds that the increase in hot days makes it difficult for students to learn at school. Increasing the tree canopy on school grounds will enable students to continue to play, learn, and gather outside, even as the temperature rises. Trees on school campuses will also absorb storm water, clean the air, beautify campuses, and help towards reaching county and state environmental goals. An abundance of trees on school campuses would help cool each campus and provide a multitude of learning opportunities, including learning the role trees play in the overall health of the ecosystem, cultural uses of indigenous trees, tree propagation and care, commercial uses of trees, and participation in community programs that promote tree planting. This measure will create a plan to increase tree canopies on school campuses, which will provide students with a cooler, more beautiful, and healthier learning space.

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. 160 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1311 Education on S.R. No. 125

The purpose and intent of this measure is to request the Department of Education to create a landscape management plan with the goal to increase tree canopies on public school grounds, document existing inventory and talent, and identify additional resources required to implement and sustain the plan.

Your Committee did not receive any testimony on this measure.

Your Committee finds that the increase in hot days makes it difficult for students to learn at school. Increasing the tree canopy on school grounds will enable students to continue to play, learn, and gather outside, even as the temperature rises. Trees on school campuses will also absorb storm water, clean the air, beautify campuses, and help towards reaching county and state environmental goals. An abundance of trees on school campuses would help cool each campus and provide a multitude of learning opportunities, including learning the role trees play in the overall health of the ecosystem, cultural uses of indigenous trees, tree propagation and care, commercial uses of trees, and participation in community programs that promote tree planting. This measure will create a plan to increase tree canopies on school campuses, which will provide students with a cooler, more beautiful, and healthier learning space.

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. 125 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1312 Education on S.C.R. No. 238

The purpose and intent of this measure is to request the Department of Education, Hawaii High School Athletic Association, Big Island Interscholastic Federation, Oahu Interscholastic Association, Interscholastic League of Hawaii, Maui Interscholastic League, and Kauai Interscholastic Federation to create a plan to implement bass fishing as a sanctioned high school sport.

Your Committee received comments on this measure from the Department of Education.

Your Committee finds that high school fishing is one of the fastest-growing sports in the nation. The State has an existing population of largemouth bass fish for which the Department of Land and Natural Resources issues fishing licenses. Hawaii has an established history with bass fish beginning with the first observation on the island of Hawaii in 1856, followed by observations on Oahu, Maui, and Kauai in 1897. Oahu has a pre-established bass hatchery located at Wahiawa Middle School, which is supplied by the Department of Agriculture's Division of Aquatic Resources. This measure would create a plan to establish bass fishing as a high school sport, which would instill a sense of pride and belonging in students, give students a reason to attain academic achievement, and provide a competitive outlet for 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 concurs with the intent and purpose of S.C.R. No. 238 and recommends its adoption.

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

SCRep. 1313 Education on S.R. No. 198

The purpose and intent of this measure is to request the Department of Education, Hawaii High School Athletic Association, Big Island Interscholastic Federation, Oahu Interscholastic Association, Interscholastic League of Hawaii, Maui Interscholastic League, and Kauai Interscholastic Federation to create a plan to implement bass fishing as a sanctioned high school sport.

Your Committee did not receive any testimony on this measure.

Your Committee finds that high school fishing is one of the fastest-growing sports in the nation. The State has an existing population of largemouth bass fish for which the Department of Land and Natural Resources issues fishing licenses. Hawaii has an established history with bass fish beginning with the first observation on the island of Hawaii in 1856, followed by observations on Oahu, Maui, and Kauai in 1897. Oahu has a pre-established bass hatchery located at Wahiawa Middle School, which is supplied by the Department of Agriculture's Division of Aquatic Resources. This measure would create a plan to establish bass fishing as a high school sport, which would instill a sense of pride and belonging in students, give students a reason to attain academic achievement, and provide a competitive outlet for 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 concurs with the intent and purpose of S.R. No. 198 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1314 Education on S.C.R. No. 151

The purpose and intent of this measure is to encourage the Department of Education, complex areas, and charter schools to implement school-wide restorative justice practices in Hawaii's public and charter schools.

Your Committee received testimony in support of this measure from the Department of Education, Teran James Young Foundation, and nine individuals.

Your Committee finds that studies show that suspension and expulsion, which are traditional methods of addressing disciplinary issues in schools, do not make schools safer and result in lower graduation rates and increased rates of involvement in the juvenile justice system, and expanding the school to prison pipeline. Studies have also shown that restorative justice practices can lead to reductions in problem behavior; improvements in school climate; and increases in student achievement, attendance, and graduation rates. This measure encourages restorative practices to be implemented in public and charter schools in the State to create positive learning environments in its schools. Your Committee believes that the aim of this measure should be to encourage the implementation of a comprehensive system of supports prior to youth becoming involved with the justice system, therefore the scope should be widened to "restorative practices" rather than restricted to "restorative justice practices". Therefore, amendments are necessary.

Your Committee has amended this measure by:

- (1) Clarifying that restorative practices are to be implemented in the State's public and charter schools;
- (2) Amending its title in accordance with 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 Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 151, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 151, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1315 Education on S.C.R. No. 153

The purpose and intent of this measure is to request the convening of a working group to discuss the role of the Hawaii public charter school authorizer, its relationship with charter schools, the accountability for the use of public funds, and whether or not legislation is required to effectuate any desired changes.

Your Committee received testimony in support of this measure from the State Public Charter School Commission and one individual. Your Committee received comments on this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that the Hawaii State Public Charter School Commission has faced questions on the role of the authorizer and its relationship with charter schools. There is a need to clarify the purpose and intent of charter school authorizers. Your Committee also notes that the need for transparency and accountability for the use of public funds must be balanced with the authority for the charter school to educate our keiki. This measure will convene a Charter School Authorizers Working Group to address these problems.

Your Committee has amended this measure by:

- (1) Specifying that a representative of a conversion and Hawaiian immersion school be included in the working group; and
- (2) Clarifying that any legislative recommendations should include national best practices as applicable to Hawaii's public charter school system and focus on positive student outcomes in public education.

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. 153, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 153, S.D. 1.

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

SCRep. 1316 (Joint) Human Services and Government Operations on S.C.R. No. 7

The purpose and intent of this measure is to request the Disability and Communication Access Board in collaboration with the Office of Enterprise Technology Services to convene a working group on accessible government documents.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, Office of Enterprise Technology Services, Disability and Communication Access Board, National Federation of the Blind of Hawaii, and eight individuals. Your Committees received comments on this measure from the Office of Information Practices.

Your Committees find that an accessible document is a document created to be as easily readable by a sighted reader as a low-vision or non-sighted reader. However, public agencies that are required to provide accessible documents do not always have staff that understand how to make the information accessible. Your Committees also find that the increasing use of technology to communicate can also present complications and challenges, such as the various state agency websites that post public meeting notices, agendas, and attached resource documents that may not necessarily all be in accessible formats, especially when attachments are scanned copies. This measure requests that a work group be convened to address these issues; however amendments are needed in light of testimony your Committees received.

Your Committees have amended this measure by:

- (1) Requesting that the National Federation of the Blind of Hawaii replace the Disability and Communication Access Board, as co-chair of the proposed working group;
- (2) Adding a representative of the Disability and Communication Access Board to the proposed list of working group members;
- (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 Human Services and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 7, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 7, S.D. 1.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1317 (Joint) Human Services and Government Operations on S.R. No. 5

The purpose and intent of this measure is to request the Disability and Communication Access Board in collaboration with the Office of Enterprise Technology Services to convene a working group on accessible government documents.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, Office of Enterprise Technology Services, Disability and Communication Access Board, National Federation of the Blind of Hawaii, and nine individuals. Your Committees received comments on this measure from the Office of Information Practices.

Your Committees find that an accessible document is a document created to be as easily readable by a sighted reader as a low-vision or non-sighted reader. However, public agencies that are required to provide accessible documents do not always have staff that understand how to make the information accessible. Your Committees also find that the increasing use of technology to communicate can also present complications and challenges, such as the various state agency websites that post public meeting notices, agendas, and attached resource documents that may not necessarily all be in accessible formats, especially when attachments are scanned copies. This measure requests that a work group be convened to address these issues; however amendments are needed in light of testimony your Committees received.

Your Committees have amended this measure by:

- (1) Requesting that the National Federation of the Blind of Hawaii replace the Disability and Communication Access Board, as co-chair of the proposed working group;
- (2) Adding a representative of the Disability and Communication Access Board to the proposed list of working group members;
- (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 Human Services and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 5, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 5, S.D. 1.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1318 Commerce and Consumer Protection on S.C.R. No. 161

The purpose and intent of this measure is to support and urge the inclusion of gender transition treatments and services as medically necessary for the purposes of health care insurance coverage.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, LGBT Caucus of the Democratic Party of Hawaii, Hawaii Health & Harm Reduction Center, Planned Parenthood Votes Northwest and Hawaii, AF3IRM Hawaii, University of Hawaii at Manoa, Rainbow Family 808, The Trevor Project, ACLU Hawaii, and seventeen individuals.

Your Committee finds that, despite legislation enacted in 2016 that prohibits health insurance discrimination in participation or coverage under a policy against any person on the basis of the person's actual or perceived gender identity, numerous complaints have revealed that health insurance providers are not complying with the law, leaving many patients in a state of uncertainty about their rights and how to receive the medically necessary care to which they are entitled, which can in turn put lives and mental health at great risk. This measure acknowledges the medical necessity of transition-related treatment and services and provides guidance to health insurance providers to support increased access to care and services.

Your Committee notes the concerns raised in testimony that amendments to this measure are needed to require the Auditor to perform a social and financial assessment of newly mandated health insurance coverage, as required by law. These amendments would further support the goals of this measure and ensure that gender transition treatments be considered medically necessary for Hawaii's transgender community and covered by their health insurance policies.

Accordingly, your Committee has amended this measure by:

- (1) Updating the measure's title to reflect its amended purpose;
- (2) Inserting language requesting the Auditor to assess the social and financial effects of requiring health insurers to provide coverage for certain health care services related to gender transition treatments, as identified in S.B. No. 752, Regular Session of 2021;
- (3) Inserting language requesting the Auditor to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2022;
- (4) Updating the parties entitled to receive certified copies of this measure; 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 and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 161, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 161, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 1319 Commerce and Consumer Protection on S.R. No. 126

The purpose and intent of this measure is to support and urge the inclusion of gender transition treatments and services as medically necessary for the purposes of health care insurance coverage.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaii Health & Harm Reduction Center, AF3IRM Hawai'i, University of Hawai'i at Manoa, Rainbow Family 808, The Trevor Project, ACLU Hawai'i, and three individuals.

Your Committee finds that, despite legislation enacted in 2016 that prohibits health insurance discrimination in participation or coverage under a policy against any person on the basis of the person's actual or perceived gender identity, numerous complaints have revealed that health insurance providers are not complying with the law, leaving many patients in a state of uncertainty about their rights and how to receive the medically necessary care to which they are entitled, which can in turn put lives and mental health at great risk. This measure acknowledges the medical necessity of transition-related treatment and services and provides guidance to health insurance providers to support increased access to care and services.

Your Committee notes the concerns raised in testimony that amendments to this measure are needed to require the Auditor to perform a social and financial assessment of newly mandated health insurance coverage, as required by law. These amendments would further support the goals of this measure and ensure that gender transition treatments be considered medically necessary for Hawaii's transgender community and covered by their health insurance policies.

Accordingly, your Committee has amended this measure by:

- (1) Updating the measure's title to reflect its amended purpose;
- (2) Inserting language requesting the Auditor to assess the social and financial effects of requiring health insurers to provide coverage for certain health care services related to gender transition treatments, as identified in S.B. No. 752, Regular Session of 2021;
- (3) Inserting language requesting the Auditor to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2022;
- (4) Updating the parties entitled to receive certified copies of this measure; 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 and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 126, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 126, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 1320 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 25

The purpose and intent of this measure is to request the Department of Public Safety to allow faith pods based on kapu aloha to be established within each correctional center.

Your Committee received testimony in support of this measure from the Department of Public Safety, Ohana Hoʻopakele, Malu ʻAina, and two individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that native Hawaiians are severely overrepresented in the State's prison population and have a much higher recidivism rate than non-Hawaiians. Pu'uhonua is a decentralized wellness center that can act as an alternative to building more prisons in the State and is based on healing inhabitants and eventually returning them back to the community. Your Committee further finds that non-violence has always been key to Hawaiians, as represented in the Hawaiian cultural practice of kapu aloha. Incarcerated individuals, or pa'ahao, have initiated Hawaiian cultural programs within different correctional systems known as "faith pods" throughout the nation to help promote safe spaces to heal and regain their identity as Hawaiians. This measure will allow faith pods to be established in correctional center in the State to provide Hawaiians with the opportunity to practice native Hawaiian cultural practices in those centers.

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 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 (English).

SCRep. 1321 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 14

The purpose and intent of this measure is to request the Department of Public Safety to allow faith pods based on kapu aloha to be established within each correctional center.

Your Committee received testimony in support of this measure from the Department of Public Safety, Ohana Hoʻopakele, Malu ʻAina, and two individuals. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that native Hawaiians are severely overrepresented in the State's prison population and have a much higher recidivism rate than non-Hawaiians. Pu'uhonua is a decentralized wellness center that can act as an alternative to building more prisons in the State and is based on healing inhabitants and eventually returning them back to the community. Your Committee further finds that non-violence has always been key to Hawaiians, as represented in the Hawaiian cultural practice of kapu aloha. Incarcerated individuals, or pa'ahao, have initiated Hawaiian cultural programs within different correctional systems known as "faith pods" throughout the nation to help promote safe spaces to heal and regain their identity as Hawaiians. This measure will allow faith pods to be established in correctional center in the State to provide Hawaiians with the opportunity to practice native Hawaiian cultural practices in those centers.

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 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, 4. Noes, none. Excused, 1 (English).

SCRep. 1322 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 47

The purpose and intent of this measure is to urge the Department of Veterans Affairs to recognize a presumptive service connection for chronically ill veterans who were stationed at Kunia Field and to provide medical care and long-term services regardless of the veterans' ability to conclusively link their conditions to toxic exposure.

Your Committee received testimony in support of this measure from six individuals.

Your Committee finds that Kunia Field Station was constructed on the island of Oahu during World War II to serve as an underground bomb-proof aircraft assembly plant. Kunia Field Station is located under former pineapple fields near Wheeler Army Airfield and Schofield Barracks and was exposed to pesticides, herbicides, fumigants, smoke, and other toxins and carcinogens while pineapple agriculture was active, from approximately 1940 to 2008. A chemical spill in 1977 and a flood in 1991 further exposed the area and its drinking water to toxic substances, including the soil fumigant ethylene dibromide, identified as a probable human carcinogen. Many veterans who were stationed at Kunia Field Station have developed cancer, neurological conditions, dementia, and other chronic illnesses. However, the official position of the Department of Veterans Affairs is that veterans stationed at Kunia Field Station were not exposed to toxic substances, making it difficult for these veterans to receive medical care and long-term service. This

measure urges the Department of Veteran Affairs to recognize that chronically ill veterans who were stationed at Kunia Field were exposed to toxins, which caused their illness, so that those veterans may receive medical care and long-term 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 Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 47, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 47, S.D. 1.

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

SCRep. 1323 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 48

The purpose and intent of this measure is to request the United States Marine Corps to complete an environmental impact statement for the shoreline stabilization at the Puuloa Range training facility.

Your Committee received testimony in support of this measure from SaveEwaShoreline, Kanehili Cultural Hui, and fourteen individuals. Your Committee received comments on this measure from the Marine Corps Base Hawaii.

Your Committee finds that studies conducted by the University of Hawaii show that hardening the shoreline of Oahu where there is chronic coastal erosion causes beach narrowing and beach loss. The shoreline stabilization project at the Puuloa Range Training Facility (PRTF) is a plan to harden the shoreline along the makai boundary of the PRTF. The shoreline stabilization at PRTF environmental assessment (2019) released by Marine Corps Base Hawaii does not properly consider potential beach narrowing and beach loss west of PRTF resulting from strong trade wind wave events producing east to west near shore sand transport. This measure urges Marine Corps Base Hawaii to conduct an environmental impact statement to consider potential beach narrowing and beach loss at PRTF

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 concurs with the intent and purpose of S.C.R. No. 48 and recommends its adoption.

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

SCRep. 1324 (Majority) Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 62

The purpose and intent of this measure is to urge the United States Congress to enact federal legislation granting statehood to the people of Washington, D.C.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the passage of the Organic Act of 1801 placed the District of Columbia under the exclusive authority of the United States Congress and abolished residents' right to vote for members of Congress and the President and Vice President of the United States. Residents of the District of Columbia were granted the right to vote for the President and Vice President through passage of the Twenty—Third Amendment to the United States Constitution in 1961. Residents of the District of Columbia share all the responsibilities of United States citizenship, including paying more federal taxes than residents of twenty-two states, service on federal juries, and defending the United States as members of the United States armed forces in every war since the War for Independence, yet they are denied full representation in Congress. The residents of the District of Columbia lack full democracy, equality, and citizenship enjoyed by the residents of the fifty states. This measure will urge the United States Congress to provide the residents of the District of Columbia with the same democratic rights guaranteed to the residents of the existing fifty states.

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 concurs with the intent and purpose of S.C.R. No. 62 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, 1 (Riviere). Excused, 1 (English).

SCRep. 1325 (Majority) Public Safety, Intergovernmental, and Military Affairs on S.R. No. 44

The purpose and intent of this measure is to urge the United States Congress to enact federal legislation granting statehood to the people of Washington, D.C.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the passage of the Organic Act of 1801 placed the District of Columbia under the exclusive authority of the United States Congress and abolished residents' right to vote for members of Congress and the President and Vice President of the United States. Residents of the District of Columbia were granted the right to vote for the President and Vice President through passage of the Twenty–Third Amendment to the United States Constitution in 1961. Residents of the District of Columbia share all the responsibilities of United States citizenship, including paying more federal taxes than residents of twenty-two states, service on federal juries, and defending the United States as members of the United States armed forces in every war since the War for Independence, yet they are denied full representation in Congress. The residents of the District of Columbia lack full democracy, equality, and citizenship enjoyed by the residents of the fifty states. This measure will urge the United States Congress to provide the residents of the District of Columbia with the same democratic rights guaranteed to the residents of the existing fifty states.

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 concurs with the intent and purpose of S.R. No. 44 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, 1 (Riviere). Excused, 1 (English).

SCRep. 1326 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 69

The purpose and intent of this measure is to request the Hawaii Emergency Management Agency to develop an evacuation plan for the areas within lava zones 1, 2, 3, 4, and 6.

Your Committee did not receive any testimony on this measure.

Your Committee finds that Mauna Loa is the largest active volcano on Earth, rising approximately 13,680 feet above the Pacific Ocean and encompasses more than half the area of the island of Hawaii. Your Committee further finds that the Kilauea volcano is currently erupting with lava pouring into the lava lake within Halemaumau crater. There are numerous volcanic hazards associated with a Mauna Loa eruption and the active Kilauea volcano. Lava flows from Kilauea and Mauna Loa will interfere with human activity and infrastructure as development and communities increase around these active volcanos, including but not limited to the South Kona and Kau areas. Perhaps the greatest risk is the lack of a plan to evacuate the residents of these areas in the event of a lava flow. As such, it is critical that the Hawaii Emergency Management Agency be prepared to respond to county requests for state assistance in the case of hazardous volcanic activity. This measure urges the Hawaii Emergency Management Agency to develop an evacuation plan for the South Kona and Kau areas so that the residents can be quickly evacuated should volcanic activity become hazardous in those areas.

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 concurs with the intent and purpose of S.C.R. No. 69 and recommends its adoption.

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

SCRep. 1327 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 51

The purpose and intent of this measure is to request the Hawaii Emergency Management Agency to develop an evacuation plan for the areas within lava zones 1, 2, 3, 4, and 6.

Your Committee did not receive any testimony on this measure.

Your Committee finds that Mauna Loa is the largest active volcano on Earth, rising approximately 13,680 feet above the Pacific Ocean and encompasses more than half the area of the island of Hawaii. Your Committee further finds that the Kilauea volcano is currently erupting with lava pouring into the lava lake within Halemaumau crater. There are numerous volcanic hazards associated with a Mauna Loa eruption and the active Kilauea volcano. Lava flows from Kilauea and Mauna Loa will interfere with human activity and infrastructure as development and communities increase around these active volcanos, including but not limited to the South Kona and Kau areas. Perhaps the greatest risk is the lack of a plan to evacuate the residents of these areas in the event of a lava flow. As such, it is critical that the Hawaii Emergency Management Agency be prepared to respond to county requests for state assistance in the case of hazardous volcanic activity. This measure urges the Hawaii Emergency Management Agency to develop an evacuation plan for the South Kona and Kau areas so that the residents can be quickly evacuated should volcanic activity become hazardous in those areas.

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 concurs with the intent and purpose of S.R. No. 51 and recommends its adoption.

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

SCRep. 1328 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 73

The purpose and intent of this measure is to urge the Department of Defense to continue to operate the Hawaii National Guard Youth Challenge Academy's Hilo Campus.

Your Committee received comments on this measure from the Department of Defense.

Your Committee finds that the mission of the National Guard youth challenge program is to intervene in and reclaim the lives of sixteen to eighteen year old "at promise" youth and produce program graduates with the values, life skills, education, and self-discipline necessary to succeed as productive citizens. The Hawaii National Guard Youth Challenge Academy's Hilo Campus has been extremely successful in dissuading at-risk youths from causing harm to others and themselves. Due to budget constraints, the Hawaii Department of Defense is expected to close the Hawaii National Guard Youth Challenge Academy's Hilo Campus and eliminate forty-two positions. This measure will urge the Department of Defense to continue to operate the Hawaii National Guard Youth Challenge Academy's Hilo Campus so that it will not close and the cadets may continue to receive the invaluable benefits associated with the Hilo campus.

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 concurs with the intent and purpose of S.C.R. No. 73 and recommends its adoption.

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

SCRep. 1329 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 55

The purpose and intent of this measure is to urge the Department of Defense to continue to operate the Hawaii National Guard Youth Challenge Academy's Hilo Campus.

Your Committee received comments on this measure from the Department of Defense.

Your Committee finds that the mission of the National Guard youth challenge program is to intervene in and reclaim the lives of sixteen to eighteen year old "at promise" youth and produce program graduates with the values, life skills, education, and self-discipline necessary to succeed as productive citizens. The Hawaii National Guard Youth Challenge Academy's Hilo Campus has been extremely successful in dissuading at-risk youths from causing harm to others and themselves. Due to budget constraints, the Hawaii Department of Defense is expected to close the Hawaii National Guard Youth Challenge Academy's Hilo Campus and eliminate forty-two positions. This measure will urge the Department of Defense to continue to operate the Hawaii National Guard Youth Challenge Academy's Hilo Campus so that it will not close and the cadets may continue to receive the invaluable benefits associated with the Hilo campus.

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 concurs with the intent and purpose of S.R. No. 55 and recommends its adoption.

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

SCRep. 1330 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 103

The purpose and intent of this measure is to urge the United States Military to clean up munitions and explosives of concern in Hawaii under the Military Munitions Response Program.

Your Committee received testimony in support of this measure from the Chamber of Commerce Hawaii.

Your Committee finds that certain areas of the Hawaiian Islands were used for military training exercises that resulted in large quantities of munitions and explosives being deposited in the ground. The Military Munitions Response Program provides a focused program to address the challenges presented at munitions response sites. Part of Bellows Air Force Base was previously used as an urban warfare training facility and is contaminated and unsuitable for use if the land is returned to the State. This measure will urge the cleaning up of the munitions and explosives on land formerly used for military training purposes, including Bellows Air Force Base, so that the land may be restored and to allow residents of surrounding communities the ability to enjoy and make productive use of the land.

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 concurs with the intent and purpose of S.C.R. No. 103, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 103, S.D. 1.

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

SCRep. 1331 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 80

The purpose and intent of this measure is to urge the United States Military to clean up munitions and explosives of concern in Hawaii under the Military Munitions Response Program.

Your Committee received testimony in support of this measure from the Chamber of Commerce Hawaii.

Your Committee finds that certain areas of the Hawaiian Islands were used for military training exercises that resulted in large quantities of munitions and explosives being deposited in the ground. The Military Munitions Response Program provides a focused program to address the challenges presented at munitions response sites. Part of Bellows Air Force Base was previously used as an urban warfare training facility and is contaminated and unsuitable for use if the land is returned to the State. This measure will urge the cleaning up of the munitions and explosives on land formerly used for military training purposes, including Bellows Air Force Base, so that the land may be restored and to allow residents of surrounding communities the ability to enjoy and make productive use of the land

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 concurs with the intent and purpose of S.R. No. 80, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 80, S.D. 1.

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

SCRep. 1332 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 107

The purpose and intent of this measure is to request the Department of Public Safety to correct issues and dismantle barriers relating to the provision of civil identification documents and successful community re-entry of inmates exiting incarceration.

Your Committee received testimony in support of this measure from the Department of Public Safety, American Civil Liberties Union of Hawai'i, and three individuals.

Your Committee finds that re-entry programs assist people who are released from jails and prisons to obtain post-secondary education, housing, employment, and treatment. These re-entry programs help formerly incarcerated people undergo a smooth and successful transition back into their communities, which results in reduced recidivism and improved public safety. Pursuant to section 353H-32, Hawaii Revised Statutes, the Department of Public Safety is required, upon request, to issue civil identification cards to inmates exiting correctional facilities; and assist those inmates in obtaining the inmates' own birth certificates, social security cards,

and any other relevant identification documents necessary to promote the inmates' successful transition from incarceration. Despite section 353H-32, Hawaii Revised Statutes, many inmates are exiting incarceration without identification documentation. This measure will request the Department of Public Safety to expeditiously identify and correct issues that prevent the Department from complying with section 353H-32, Hawaii Revised Statutes, with respect to providing requested civil identification cards and assistance with other identification documents to individuals exiting correctional facilities so that those individuals may successfully re-enter into their community.

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 concurs with the intent and purpose of S.C.R. No. 107 and recommends its adoption.

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

SCRep. 1333 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 84

The purpose and intent of this measure is to request the Department of Public Safety to correct issues and dismantle barriers relating to the provision of civil identification documents and successful community re-entry of inmates exiting incarceration.

Your Committee received testimony in support of this measure from the Department of Public Safety and American Civil Liberties Union of Hawai'i.

Your Committee finds that re-entry programs assist people who are released from jails and prisons to obtain post-secondary education, housing, employment, and treatment. These re-entry programs help formerly incarcerated people undergo a smooth and successful transition back into their communities, which results in reduced recidivism and improved public safety. Pursuant to section 353H-32, Hawaii Revised Statutes, the Department of Public Safety is required, upon request, to issue civil identification cards to inmates exiting correctional facilities; and assist those inmates in obtaining the inmates' own birth certificates, social security cards, and any other relevant identification documents necessary to promote the inmates' successful transition from incarceration. Despite section 353H-32, Hawaii Revised Statutes, many inmates are exiting incarceration without identification documentation. This measure will request the Department of Public Safety to expeditiously identify and correct issues that prevent the Department from complying with section 353H-32, Hawaii Revised Statutes, with respect to providing requested civil identification cards and assistance with other identification documents to individuals exiting correctional facilities so that those individuals may successfully re-enter into their community.

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 concurs with the intent and purpose of S.R. No. 84 and recommends its adoption.

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

SCRep. 1334 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 108

The purpose and intent of this measure is to urge the Department of Public Safety to increase its investment in comprehensive offender re-entry training programs for individuals exiting correctional facilities.

Your Committee received testimony in support of this measure from the Department of Public Safety, American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, and three individuals.

Your Committee finds that re-entry programs focused on helping persons exiting jails and prisons to obtain post-secondary education, housing, employment, and treatment foster a smoother and more successful transition from incarceration back into their communities; result in reduced recidivism and improved public safety. The Department of Public Safety is statutorily required to provide comprehensive and effective re-entry planning for adults exiting correctional facilities. The lack of civil identification documents makes it nearly impossible to obtain housing and legal employment, both of which are foundational pieces to successful reentry into communities. Despite the Department of Public Safety's statutory mandate to provide civil identification documents to persons exiting correctional facilities, pursuant to section 353H-32, Hawaii Revised Statutes, roughly half are exiting jails and prisons without such documentation. This measure requests the Department of Public Safety to increase investment in comprehensive offender re-entry programs for individuals exiting correctional facilities so that they may have the proper identification documents and be able to successfully re-enter into their community.

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 concurs with the intent and purpose of S.C.R. No. 108 and recommends its adoption.

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

SCRep. 1335 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 85

The purpose and intent of this measure is to urge the Department of Public Safety to increase its investment in comprehensive offender re-entry training programs for individuals exiting correctional facilities.

Your Committee received testimony in support of this measure from the Department of Public Safety, American Civil Liberties Union of Hawai'i, and Community Alliance on Prisons.

Your Committee finds that re-entry programs focused on helping persons exiting jails and prisons to obtain post-secondary education, housing, employment, and treatment foster a smoother and more successful transition from incarceration back into their communities; result in reduced recidivism and improved public safety. The Department of Public Safety is statutorily required to provide comprehensive and effective re-entry planning for adults exiting correctional facilities. The lack of civil identification documents makes it nearly impossible to obtain housing and legal employment, both of which are foundational pieces to successful re-

entry into communities. Despite the Department of Public Safety's statutory mandate to provide civil identification documents to persons exiting correctional facilities, pursuant to section 353H-32, Hawaii Revised Statutes, roughly half are exiting jails and prisons without such documentation. This measure requests the Department of Public Safety to increase investment in comprehensive offender re-entry programs for individuals exiting correctional facilities so that they may have the proper identification documents and be able to successfully re-enter into their community.

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 concurs with the intent and purpose of S.R. No. 85 and recommends its adoption.

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

SCRep. 1336 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 111

The purpose and intent of this measure is to request the Hawaii Emergency Management Agency to convene a task force to study and identify appropriate stockpile storage facility options to store and distribute emergence supplies in the State of Hawaii.

Your Committee received comments on this measure from the Hawai'i Emergency Management Agency and Hawaii Technology Development Corporation.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic has ravaged the State's available inventories of personal protection equipment and other medical products and supplies. There is a pressing need for the State to accumulate reserves of critical supplies to provide to the counties and communities during an emergency and within a reasonable time of the State's decision to deploy the stockpiled reserves. This measure requests the Hawaii Emergency Management Agency to create a task force to identify appropriate stockpile storage facility options and present possible solutions as to whether it is more appropriate to have a single storage facility on the island of Oahu or whether it may be more prudent to utilize multiple storage facilities spread throughout the four counties in the State to effectively and efficiently distribute emergency supplies.

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 concurs with the intent and purpose of S.C.R. No. 111, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 111, S.D. 1.

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

SCRep. 1337 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 88

The purpose and intent of this measure is to request the Hawaii Emergency Management Agency to convene a task force to study and identify appropriate stockpile storage facility options to store and distribute emergence supplies in the State of Hawaii.

Your Committee received comments on this measure from the Hawaii Technology Development Corporation.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic has ravaged the State's available inventories of personal protection equipment and other medical products and supplies. There is a pressing need for the State to accumulate reserves of critical supplies to provide to the counties and communities during an emergency and within a reasonable time of the State's decision to deploy the stockpiled reserves. This measure requests the Hawaii Emergency Management Agency to create a task force to identify appropriate stockpile storage facility options and present possible solutions as to whether it is more appropriate to have a single storage facility on the island of Oahu or whether it may be more prudent to utilize multiple storage facilities spread throughout the four counties in the State to effectively and efficiently distribute emergency supplies.

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 concurs with the intent and purpose of S.R. No. 88, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 88, S.D. 1.

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

SCRep. 1338 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 133

The purpose and intent of this measure is to urge the City and County of Honolulu to install a roof covering the restroom facilities at Puuloa Beach Park.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that Puuloa Beach Park, formerly known as Ewa Beach Park, is a popular five-acre park on Oahu's southwest shoreline. Puuloa Beach Park includes open-air, unroofed restroom facilities and complaints of individuals scaling the facilities' walls to peer inside the restrooms. This measure urges the City and County of Honolulu to install a roof covering over those restrooms so that they are safer and more secure for residents of, and visitors to, Puuloa Beach Park.

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 concurs with the intent and purpose of S.C.R. No. 133 and recommends its adoption.

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

SCRep. 1339 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 107

The purpose and intent of this measure is to urge the City and County of Honolulu to install a roof covering the restroom facilities at Puuloa Beach Park.

Your Committee did not receive any testimony on this measure.

Your Committee finds that Puuloa Beach Park, formerly known as Ewa Beach Park, is a popular five-acre park on Oahu's southwest shoreline. Puuloa Beach Park includes open-air, unroofed restroom facilities and complaints of individuals scaling the facilities' walls to peer inside the restrooms. This measure urges the City and County of Honolulu to install a roof covering over those restrooms so that they are safer and more secure for residents of, and visitors to, Puuloa Beach Park.

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 concurs with the intent and purpose of S.R. No. 107 and recommends its adoption.

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

SCRep. 1340 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 134

The purpose and intent of this measure is to urge the City and County of Honolulu to refurbish the Puuloa Beach Park pavilion as part of a larger plan to renovate and improve the entire Puuloa Beach Park complex.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that Puuloa Beach Park at the end of Fort Weaver Road in Ewa Beach is a popular location for holding celebrations, conducting gatherings, and enjoying the outdoors. The condition of the pavilion and the surrounding park complex has deteriorated, leaving them in a dilapidated state. This measure urges the City and County of Honolulu to refurbish the Puuloa Beach Park pavilion to prevent it from falling into further disrepair and becomes a neighborhood blight instead of serving as a place for the community to come together and hold celebrations.

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 concurs with the intent and purpose of S.C.R. No. 134 and recommends its adoption.

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

SCRep. 1341 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 108

The purpose and intent of this measure is to urge the City and County of Honolulu to refurbish the Puuloa Beach Park pavilion as part of a larger plan to renovate and improve the entire Puuloa Beach Park complex.

Your Committee did not receive any testimony on this measure.

Your Committee finds that Puuloa Beach Park at the end of Fort Weaver Road in Ewa Beach is a popular location for holding celebrations, conducting gatherings, and enjoying the outdoors. The condition of the pavilion and the surrounding park complex has deteriorated, leaving them in a dilapidated state. This measure urges the City and County of Honolulu to refurbish the Puuloa Beach Park pavilion to prevent it from falling into further disrepair and becomes a neighborhood blight instead of serving as a place for the community to come together and hold celebrations.

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 concurs with the intent and purpose of S.R. No. 108 and recommends its adoption.

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

SCRep. 1342 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 253

The purpose and intent of this measure is to urge the United States Department of Defense to report current coronavirus disease 2019 statistics in order to help protect the military communities and local communities in which the government and military installations are located.

Your Committee did not receive any testimony on this measure.

Your Committee finds that on March 31, 2020, United States Defense Secretary Mark Esper ordered all commanders of the Department of Defense installations worldwide to cease publicly releasing coronavirus disease 2019 (COVID-19) statistical information. Although the Department of Defense has released near-daily COVID-19 statistics on its website, the statistics are delayed and not disaggregated by base or even by State. Potentially unclear Department of Defense COVID-19 protocols of quarantine could contribute to super spreading the virus. This measure urges the Department of Defense to provide for better COVID-19 information for the protection of the State's communities.

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 concurs with the intent and purpose of S.C.R. No. 253, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 253, S.D. 1.

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

SCRep. 1343 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 212

The purpose and intent of this measure is to urge the United States Department of Defense to report current coronavirus disease 2019 statistics in order to help protect the military communities and local communities in which the government and military installations are located.

Your Committee did not receive any testimony on this measure.

Your Committee finds that on March 31, 2020, United States Defense Secretary Mark Esper ordered all commanders of the Department of Defense installations worldwide to cease publicly releasing coronavirus disease 2019 (COVID-19) statistical information. Although the Department of Defense has released near-daily COVID-19 statistics on its website, the statistics are delayed and not disaggregated by base or even by State. Potentially unclear Department of Defense COVID-19 protocols of quarantine could contribute to super spreading the virus. This measure urges the Department of Defense to provide for better COVID-19 information for the protection of the State's communities.

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 concurs with the intent and purpose of S.R. No. 212, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 212, S.D. 1.

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

SCRep. 1344 Education on S.C.R. No. 198

The purpose and intent of this measure is to urge the Department of Education to include civic online reasoning and media literacy in its information technology curriculum.

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

Your Committee finds that teaching civic online reasoning and media literacy prepares students for judging the veracity of the media and online sources. Learning about the origin of information allows students to become well-informed using trustworthy sources. An education in civic online reasoning and media literacy increases students' ability to access, analyze, and evaluate information so that they may discern between truth and fallacy when engaging in online platforms. This measure urges the Department of Education to include civic online reasoning and media literacy in students' curriculum so that they will develop sound digital citizenship and become media literate in a modern digital world.

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. 198 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1345 Education on S.R. No. 163

The purpose and intent of this measure is to urge the Department of Education to include civic online reasoning and media literacy in its information technology curriculum.

Your Committee received testimony in support of this measure from two individuals.

Your Committee finds that teaching civic online reasoning and media literacy prepares students for judging the veracity of the media and online sources. Learning about the origin of information allows students to become well-informed using trustworthy sources. An education in civic online reasoning and media literacy increases students' ability to access, analyze, and evaluate information so that they may discern between truth and fallacy when engaging in online platforms. This measure urges the Department of Education to include civic online reasoning and media literacy in students' curriculum so that they will develop sound digital citizenship and become media literate in a modern digital world.

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. 163 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1346 (Joint) Energy, Economic Development, and Tourism and Commerce and Consumer Protection on S.C.R. No. 223

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism conduct a study to examine the use and effects of transaction medium equity, which includes electronic transactions and cash transactions, on consumers and businesses in the State.

Your Committees received testimony in support of this measure from Cardtronics. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that information on the use of electronic and cash transactions in Hawaii should be gathered to help guide future legislation, policy recommendations, and decision-making on issues regarding transaction medium equity and how these forms of payment can either benefit or disadvantage consumers and businesses. Your Committees received testimony from the Department of Business, Economic Development, and Tourism, which reported that it does not have the expertise or the resources to conduct the study envisioned by this measure. Your Committees further find that the Legislative Reference Bureau has the necessary expertise and experience to conduct this study, and therefore amendments are needed to address this concern.

Accordingly, your Committees have amended this measure by:

- (1) Requesting that the Legislative Reference Bureau, instead of the Department of Business, Economic Development, and Tourism, conduct a study to examine the use and effects of transaction medium equity, which includes electronic transactions and cash transactions, on consumers and businesses in the State of Hawaii;
- (2) Amending its title in accordance with 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 Energy, Economic Development, and Tourism and Commerce and Consumer Protection that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 223, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 223, S.D. 1.

Signed by the Chairs on behalf of the Committees. Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce and Consumer Protection: Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 1347 Higher Education on S.C.R. No. 115

The purpose and intent of this measure is to request the University of Hawaii (University) to undertake a broadly based economic and sociological study to identify factors that contribute to crime in the State.

Your Committee received testimony in support of this measure from two individuals.

Prior to the hearing on this measure, your Committee posted and made available for the public review a proposed S.D. 1, which deletes the contents of the measure and inserts language to request the University, with the oversight of the Chairperson of the Board of Regents of the University of Hawaii (Board of Regents), to examine and assess the reasonableness and feasibility of the existing policies, standards, rules, guidelines, and procedures governing the University's rental housing program for its faculty.

Your Committee received comments on the proposed version of this measure from the University of Hawai'i System.

Your Committee finds that the University is the only system of public education in Hawaii that is supported by state funds, uses public land set aside for university purposes, and is continually supported by other public resources. The University of Hawaii at Manoa University Housing Program offers rental housing to new employees during their initial years of employment. The program consists of three rental housing projects located in Manoa, named the Wa'ahila Rental Project, the Kau'iokahaloa Nui Rental Project, and the Kau'iokahaloa Iki Project (collectively, Oahu Rental Projects), consisting of a total of consisting of 237 units. Your Committee further finds that concerns have been raised over the administration of the Oahu Rental Projects, including policies on eligibility criteria, rent, and duration of tenancy, and the University's enforcement thereof.

Your Committee finds that Board of Regents Policy 9.209 (RP 9.209) specifically provides that the purpose of the Oahu Rental Projects is to serve as temporary transitional housing for newly recruited university personnel. Your Committee further finds that according to a report produced by the University of Hawai'i Office of Internal Audit (University Internal Audit) in November 2019 (2019 Audit Report), in similar reports issued in December 2010 and February 2013, various issues were identified relating to the University Housing Program's noncompliance with the policies of the Board of Regents (Board Policies) and the Internal Revenue Code (IRC). These issues included the program's:

- (1) Historical failure to enforce the maximum term of stay resulting in low housing turnover as of January 2018, forty-seven percent of the tenant-faculty were staying in their units for over five years, despite the maximum lease term under Board Policies being one or three years depending on the employee's position, while having a waitlist of one hundred eighty-one applicants;
- (2) Potential violation of section 119(d) of the IRC by failing to report the difference between the market value rent and the lower rent charged as the tenant-faculty's gross income and withholding applicable taxes therefrom; and
- (3) Lack of policies and procedures pertaining to the subleasing of faculty rental housing.

Your Committee finds that in 2019, the University Internal Audit re-evaluated the University Housing Program's process, procedures, and compliance with University policies. According to the 2019 Audit Report, the Board of Regents revised its policies governing the University Housing Assistance Program (UHAP), i.e., RP 9.209 and Executive Policy (EP) 9.230 in October 2014 to address the issues raised in 2013 and 2014.

Eligibility (RP 9.209). Your Committee finds that, to be eligible for the Oahu Rental Projects, the prospective tenant must be a full-time employee of the University: (1) who is appointed to an Oahu campus; (2) whose workplace is on Oahu; and (3) who does not own real property on Oahu. Your Committee notes that the final criterion differs from that of other UHAP programs, such as the financial assistance program, which requires the applicant to not own "an interest" in "residential" real property "within the State".

<u>Priority of Assignment (RP 9.209).</u> Your Committee further finds that assignment of the units at the Oahu Rental Projects is prioritized based on the employee's status and rank as follows: (Priority 1) tenure-track assistant faculty; (Priority 2) other tenure-track faculty; (Priority 3) tenured faculty; (Priority 4) administrative, professional and technical (APT) personnel; and (Priority 5) all other employees. RP 9.209 provides that if the number of prospective tenants exceed the number of available rental units, the vacancies will

be assigned first to applicants with initial appointment dates of three years or less; and then to applicants with the lowest salaries, within each respective priority rank.

Maximum Lease Period (EP 9.230 and RP 9.209). Your Committee also finds that Board of Regents Policies require the standard lease term for the Oahu Rental Projects to be one year. The policies do not allow the lease term for Priority 4 and 5 tenants to be renewed. The lease term for tenure-track and tenured faculty may be renewed annually for up to a maximum of three years. At the end of the maximum three-year lease period, tenure-track faculty who have not achieved tenure by then may apply for lease extensions, which will be considered and approved by the President on a case by case basis. The Board of Regents Policies do not provide a basis for allowing the extension of a tenured faculty's lease beyond the maximum three-year lease period; provided that the President may extend the lease terms beyond the standard maximum to maintain the occupancy rates at appropriate levels, i.e., when there are vacancies and no eligible applicants are on the waitlist.

Your Committee notes that the Board of Regents Policies do not provide explicitly guidance as to the priority between lease extension requests filed by existing tenants and applicants on the waitlist with newer initial appointment dates. Your Committee further notes that the policies only require "vacancies" to be assigned first to applicants with initial appointment dates of three years or less. Your Committee is uncertain if these policies resonate with the purpose of the Oahu Rental Projects, i.e., to serve as temporary transitional housing for newly recruited university personnel.

Your Committee also notes that according to the 2019 Audit Report, the University started sending out notices in May 2014 to tenants of the Oahu Rental Projects who had exceeded the maximum term of tenancy, to vacate their units within one year from the receipt of the notice. As of August 2019, the waitlist has decreased to forty, compared to one hundred eighty-one in January 2013. Your Committee commends the University's progress, however, believes the one-year period to vacate to be too long, especially considering the fact that as of June 30, 2019, approximately one third of the tenants (seventy-one out of the two hundred six leased units) still exceeded the maximum term of their tenancy, despite having forty people on the waitlist. Your Committee's concerns are compounded by the University's statements that it is now strictly enforcing its five-year maximum tenancy requirement (instead of the one or three-year period under the policies) and when asked for the basis for the five-years, replied that it was what other schools were doing. Your Committee believes that if the University finds current policies to be stale or not on a par with other peer institutions, it should amend the policies instead of arbitrarily violating them.

Compliance with section 119(d) of the IRC. Your Committee finds that EP 9.230 states that the University must adhere to applicable federal and state laws and regulations, including section 119 of the IRC, which states that if the amount of annual rent paid by a tenant is less than five percent of the appraised value of the qualified campus lodging, the difference (taxable benefit) shall be reported as gross income to the tenant. According to the 2019 Audit Report, the University is now requiring the taxable benefit to be reported as taxable income on the employees' IRS Form W-2, Wages and Tax Statement. Your Committee commends the University's efforts in becoming compliant with the IRC. However, your Committee notes that EP 9.230 states that appraisals of campus lodging will be conducted at a minimum every three years, however, according to the 2019 Audit Report, the IRS requires such appraisals to be conducted on an annual basis. Your Committee is uncertain as to whether the University addressed this discrepancy. Furthermore, your Committee finds it concerning that the University is unaware as to whether the implications of its previous failure to report the taxable benefits have been dealt with.

Subletting and Assignment (EP 9.230). Your Committee finds that the EP 9.230 prohibits the subletting and assignment of the units, parking stalls, and parking permits at the Oahu Rental Projects, unless agreed to by the University Housing Program. The policy further states that violations of this policy could result in eviction. According to the 2019 Audit Report, the program has not approved and was unaware of any tenant subleasing their unit. Your Committee notes the University's testimony regarding its efforts to investigate and evict a couple of tenants who had been in violation of this policy. Your Committee commends the University's efforts in enforcing this policy.

Based on the documents submitted by the University and its testimony, your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Inserting clauses noting the internal audit conducted by the University Internal Audit in November 2019;
- (2) Amending the subjects to be included in the task force's report by:
 - (A) Eliminating matters already provided in the 2019 Audit Report;
 - (B) Adding matters based on the 2019 Audit Report, including information pertaining to the value of each type of unit, additional tenant information, assessment of lease extensions approved by the University, the process by which the University verifies compliance, and proposed policies on lease extensions and time period to vacate the premises;
 - (C) Specifying that information be included on whether the unit is occupied as of May 1, 2021; and
 - (D) Clarifying the language relating to ownership of 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 Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 115, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 115, S.D. 1.

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

SCRep. 1348 (Joint) Government Operations and Labor, Culture and the Arts on S.C.R. No. 67

The purpose and intent of this measure is to recognize October 4 through October 8, 2021, as Digital Inclusion Week in the State to raise awareness of the need for digital equity and to promote digital inclusion.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii Workforce Development Council; HawaiiKidsCAN; LearningBond; Pacific International Center for High Technology Research; Hawaii Leeward Planning Conference; Hawaii Island Economic Development Board; Hawaii Dialogix Telecom; Code.org; Hawaii Executive Collaborative; Oʻahu County Democrats, Digital Equity Committee; Michaels Management; and five individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that the coronavirus disease 2019 pandemic has highlighted the need for broadband infrastructure and digital equity for all of Hawaii's residents, especially those in rural and underserved communities. As broadband access is increasingly intertwined with the daily functions of modern life, your Committees believe that a Digital Inclusion Week will help to promote public awareness and attention on the critical issues of digital equity and digital inclusion.

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. 67, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 67, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 5. Noes, none. Excused, none.

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

SCRep. 1349 (Joint) Government Operations and Labor, Culture and the Arts on S.R. No. 49

The purpose and intent of this measure is to recognize October 4 through October 8, 2021, as Digital Inclusion Week in the State to raise awareness of the need for digital equity and to promote digital inclusion.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that the coronavirus disease 2019 pandemic has highlighted the need for broadband infrastructure and digital equity for all of Hawaii's residents, especially those in rural and underserved communities. As broadband access is increasingly intertwined with the daily functions of modern life, your Committees believe that a Digital Inclusion Week will help to promote public awareness and attention on the critical issues of digital equity and digital inclusion.

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. 49, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 49, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 5. Noes, none. Excused, none.

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

SCRep. 1350 (Joint) Government Operations and Education on S.C.R. No. 154

The purpose and intent of this measure is to urge the Governor to maintain teachers as essential workers during the coronavirus disease 2019 pandemic or any future pandemic, when contemplating emergency furloughs and layoffs.

Your Committees received testimony in support of this measure from three individuals. Your Committees received comments on this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that in addition to teachers, school-level educational support staff, such as food service staff, security, custodial staff, and administrators, are also one of the many categories deemed essential during the coronavirus disease 2019 pandemic.

Your Committees have amended this measure by:

- (1) Inserting language to include school-level personnel as essential workers; 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 concur with the intent and purpose of S.C.R. No. 154, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 154, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Chang).

Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 1351 (Joint) Government Operations and Education on S.R. No. 119

The purpose and intent of this measure is to urge the Governor to maintain teachers as essential workers during the coronavirus disease 2019 pandemic or any future pandemic, when contemplating emergency furloughs and layoffs.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that in addition to teachers, school-level educational support staff, such as food service staff, security, custodial staff, and administrators, are also one of the many categories deemed essential during the coronavirus disease 2019 pandemic.

Your Committees have amended this measure by:

- (1) Inserting language to include school-level personnel as essential workers; 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 concur with the intent and purpose of S.R. No. 119, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 119, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Chang).

Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 1352 (Joint) Government Operations and Education on S.C.R. No. 155

The purpose and intent of this measure is to request that the Auditor conduct a performance audit of the policies and procedures of the Office of Curriculum and Instructional Design (OCID) and how it effectuates its responsibility to schools in the design, development, and support of curriculum.

Your Committees received testimony in support of this measure from the Department of Education and two individuals.

Your Committees find that in a December 2020 review of active Department of Education (DOE) contracts, there are various contracts ranging between \$38,500 and \$215,000 that appeared to procure duplicative services for curriculum development, design, and review. Your Committees further find that this measure is in the public interest to ensure that OCID is optimizing its ability to support the State's schools and complex areas in the design and development of curriculum and professional development. According to testimony received by your Committees, DOE is currently revisiting its curriculum management and instructional materials approval process and welcomes an audit of its OCID with the goal of improving the efficiency and effectiveness of its practices.

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 concur with the intent and purpose of S.C.R. No. 155 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Chang). Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 1353 (Joint) Government Operations and Education on S.R. No. 120

The purpose and intent of this measure is to request that the Auditor conduct a performance audit of the policies and procedures of the Office of Curriculum and Instructional Design (OCID) and how it effectuates its responsibility to schools in the design, development, and support of curriculum.

Your Committees received testimony in support of this measure from two individuals.

Your Committees find that in a December 2020 review of active Department of Education (DOE) contracts, there are various contracts ranging between \$38,500 and \$215,000 that appeared to procure duplicative services for curriculum development, design, and review. Your Committees further find that this measure is in the public interest to ensure that OCID is optimizing its ability to support the State's schools and complex areas in the design and development of curriculum and professional development. According to testimony received by your Committees, DOE is currently revisiting its curriculum management and instructional materials approval process and welcomes an audit of its OCID with the goal of improving the efficiency and effectiveness of its practices.

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 concur with the intent and purpose of S.R. No. 120 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Chang). Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 1354 (Joint/Majority) Government Operations and Commerce and Consumer Protection on S.C.R. No. 143

The purpose and intent of this measure is to request that the Auditor conduct a social and financial assessment of requiring health insurers, mutual benefit societies, and health maintenance organizations to provide mandatory health insurance coverage without cost-sharing for a comprehensive category of reproductive health services, drugs, devices, products, and procedures.

Your Committees received testimony in support of this measure from the Hawai'i Women's Coalition, LGBT Caucus of the Democratic Party of Hawai'i, Ma'i Movement Hawai'i, Planned Parenthood Votes Northwest and Hawai'i, ACLU of Hawaii, Common Cause Hawaii, and four individuals.

Your Committees find that this measure is intended to fill the gaps in coverage for crucial preventative sexual and reproductive health services and safeguard access to abortion. Your Committees concur with testimony expressing that expanding access to comprehensive sexual and reproductive health care for the residents of Hawaii reduces discrimination, increases economic security, and ensures a healthy, vibrant democracy.

Your Committees have amended this measure by:

- (1) Inserting references to S.B. No. 623, Regular Session of 2021, where necessary; 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 Commerce and Consumer Protection that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 143, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 143, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 3. Noes, 2 (Gabbard, Fevella). Excused, none. Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 1355 Government Operations on S.C.R. No. 166

The purpose and intent of this measure is to urge the heads of the departments and agencies that administratively control or supervise a board or commission to provide training for all members of their boards and commissions subject to 84-17, Hawaii Revised Statutes

Your Committee received comments on this measure from the Department of Accounting and General Services, Department of Commerce and Consumer Affairs, Department of Human Services, Department of Land and Natural Resources, and Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that reports from the Office of the Auditor have indicated that various state board members and staff are unfamiliar with the applicable laws and statutes that are relevant to the work of the board or commission on which they sit. Your Committee also finds that although some departments train the members of their boards and commissions, this is not a consistent practice throughout the State. This measure would help ensure that board and commission members have appropriate training to effectively fulfill their responsibilities. Your Committee heard testimony regarding concerns that the requirement for newly appointed board members to complete training before receiving voting rights will limit the board or commission's ability to meet quorum requirements and take action on pending board matters that require a vote.

Accordingly, your Committee has amended this measure by removing the clause that would have requested that board and commission members be required to complete training before receiving voting rights.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 166, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 166, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1356 Government Operations on S.R. No. 131

The purpose and intent of this measure is to urge the heads of the departments and agencies that administratively control or supervise a board or commission to provide training for all members of their boards and commissions subject to 84-17, Hawaii Revised Statutes.

Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Human Services, Department of Land and Natural Resources, and Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that reports from the Office of the Auditor have indicated that various state board members and staff are unfamiliar with the applicable laws and statutes that are relevant to the work of the board or commission on which they sit. Your Committee also finds that although some departments train the members of their boards and commissions, this is not a consistent practice throughout the State. This measure would help ensure that board and commission members have appropriate training to effectively fulfill their responsibilities. Your Committee heard testimony regarding concerns that the requirement for newly appointed board members to complete training before receiving voting rights will limit the board or commission's ability to meet quorum requirements and take action on pending board matters that require a vote.

Accordingly, your Committee has amended this measure by removing the clause that would have requested that board and commission members be required to complete training before receiving voting rights.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 131, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 131, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1357 Government Operations on S.C.R. No. 186

The purpose and intent of this measure is to designate April as Tree Awareness Month in the State of Hawaii.

Your Committee received testimony in support of this measure from Trees for Honolulu's Future, Punahou School Sustainability Club, and three individuals.

Your Committee finds that trees benefit the environment, ecosystem, and human health and that planting trees is an important way to help address the global climate crisis.

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 concurs with the intent and purpose of S.C.R. No. 186, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 186, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1358 Government Operations on S.R. No. 151

The purpose and intent of this measure is to designate April as Tree Awareness Month in the State of Hawaii.

Your Committee received testimony in support of this measure from Trees for Honolulu's Future, Punahou School Sustainability Club, and one individual.

Your Committee finds that trees benefit the environment, ecosystem, and human health and that planting trees is an important way to help address the global climate crisis.

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 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, 5. Noes, none. Excused, none.

SCRep. 1359 (Joint) Government Operations and Human Services on S.C.R. No. 212

The purpose and intent of this measure is to request that the Auditor conduct an assessment, pursuant to sections 23-51 and 23-52, Hawaii Revised Statutes, of the social and financial effects of mandating health care coverage of annual mental health screenings.

Your Committees did not receive any testimony on this measure.

Your Committees find that not all health care insurers provide coverage for the cost of an annual mental health screening, even though identifying underlying mental health problems could mitigate the risks of serious unidentified medical health issues. This measure is the first step to require health insurers to cover annual medical health screenings in Hawaii.

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 Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 212, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 212, S.D. 1.

Signed by the Chairs on behalf of the Committees.

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

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

SCRep. 1360 (Joint) Government Operations and Human Services on S.R. No. 175

The purpose and intent of this measure is to request that the Auditor conduct an assessment, pursuant to sections 23-51 and 23-52, Hawaii Revised Statutes, of the social and financial effects of mandating health care coverage of annual mental health screenings.

Your Committees did not receive any testimony on this measure.

Your Committees find that not all health care insurers provide coverage for the cost of an annual mental health screening, even though identifying underlying mental health problems could mitigate the risks of serious unidentified medical health issues. This measure is the first step to require health insurers to cover annual medical health screenings in Hawaii.

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 Human Services that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 175, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 175, S.D. 1.

Signed by the Chairs on behalf of the Committees.

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

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

CRep. 1361 Human Services on S.C.R. No. 41

The purpose and intent of this measure is to urge the Department of Human Services to study the feasibility of increasing payment to Hawaii's Community Care Foster Family Homes (CCFFH) and Expanded Adult Residential Care Homes (E-ARCH) for Medicaid recipients.

Your Committee received testimony in support of this measure from United Caregivers of Hawaii, Adult Foster Homecare Association of Hawaii, Community Home Care Association of Hawaii, and 49 individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that Hawaii has a limited number of beds in nursing homes for patients requiring the level of care provided by nursing homes. Your Committee also finds that the CCFFH and E—ARCH programs provide additional options for patients requiring nursing home level care throughout the State. Caregivers in CCFFHs and E—ARCHs effectively provide the proper care needed for nursing home level patients. The CCFFH program is currently serving approximately three thousand patients, with the potential for even greater capacity. The CCFFH and E—ARCH programs allow reduction of hospital stays by patients requiring nursing home level of care and provide relief to families caring for a family member with such needs, which can lead to a reduction of morbidity and mortality in those patients. Your Committee further finds that although the CCFFH and E—ARCH programs provide the same level of care for patients at nursing facilities, unlike the sustainability fund established for nursing facilities, there is no similar fund directly related to the CCFFH and E—ARCH programs.

Accordingly, your Committee believes that establishing a CCFFH and E—ARCH sustainability fund will provide an affordable system for long—term care for patients outside of nursing facilities; and therefore amendments are necessary.

Your Committee has amended this measure by:

- Urging the Department of Human Services to convene a working group to explore creation of a sustainability fund as well as
 other methods to increase funding for the Community Care Foster Family Home and Expanded Adult Residential Care Home
 programs;
- (2) Deleting references to reimbursement rates for program caregivers who accept Medicaid patients and other language to sharpen to focus of the measure;
- (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 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. 41, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 41, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1362 Transportation on S.C.R. No. 158

The purpose and intent of this measure is to urge the appropriate authorities to take every action necessary to address the safety risks and community disruption from tour helicopter and small aircraft operations.

Your Committee received testimony in support of this measure from the O'ahu Tour Helicopter Safety and Noise Inter-Action Group, Pearl City Neighborhood Board No. 21, one member of Hawaii's United States congressional delegation, and seven individuals.

Your Committee finds that tour helicopter and small aircraft operations constitute a significant risk to passengers and residents on the ground. Over the past five years tour helicopters and small aircraft operations in Hawaii accounted for nearly seventeen percent of the nation-wide accidents that prompted investigations by the National Transportation Safety Board. In one ten-month period spanning 2019 to 2020, twenty-three lives were lost in four separate tour helicopter or small aircraft accidents on Oahu and Kauai. Therefore, it is imperative that the United States Congress, Federal Aviation Administration, and the Hawaii Department of Transportation take every action necessary to address the safety risks from insufficient regulation of tour helicopters and small aircraft operations.

Your Committee has amended this measure by:

- Adding the Western Regional Administrator of the Federal Aviation Administration as a recipient of a certified copy of this
 concurrent resolution; 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 concurs with the intent and purpose of S.C.R. No. 158, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 158, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1363 Transportation on S.R. No. 123

The purpose and intent of this measure is to urge the appropriate authorities to take every action necessary to address the safety risks and community disruption from tour helicopter and small aircraft operations.

Your Committee received testimony in support of this measure from the O'ahu Tour Helicopter Safety and Noise Inter-Action Group, Pearl City Neighborhood Board No. 21, and one individual.

Your Committee finds that tour helicopter and small aircraft operations constitute a significant risk to passengers and residents on the ground. Over the past five years tour helicopters and small aircraft operations in Hawaii accounted for nearly seventeen percent of the nation-wide accidents that prompted investigations by the National Transportation Safety Board. In one ten-month period spanning 2019 to 2020, twenty-three lives were lost in four separate tour helicopter or small aircraft accidents on Oahu and Kauai. Therefore, it is imperative that the United States Congress, Federal Aviation Administration, and the Hawaii Department of Transportation take every action necessary to address the safety risks from insufficient regulation of tour helicopters and small aircraft operations.

Your Committee has amended this measure by:

- (1) Adding the Western Regional Administrator of the Federal Aviation Administration as a recipient of a certified copy of this resolution; 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 concurs with the intent and purpose of S.R. No. 123, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 123, S.D. 1.

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

SCRep. 1364 Transportation on S.C.R. No. 39

The purpose and intent of this measure is to urge the County of Hawaii to establish a metropolitan planning organization (MPO), if allowable.

Your Committee received comments on this measure from the Department of Transportation.

Your Committee finds that MPOs were established to serve as a forum for collaboration among local communities and government agencies and to direct federal funds toward projects that increase access to opportunity and prosperity through improved multimodal pedestrian, bicycle, and transit options. According to federal regulation, an MPO requires an urban area with a population of more than fifty thousand individuals. As the population of the County of Hawaii in 2016 was 198,691 people, your Committee finds it appropriate that the County should have their own MPO.

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 concurs with the intent and purpose of S.C.R. No. 39, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 39, S.D. 1.

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

SCRep. 1365 Transportation on S.R. No. 28

The purpose and intent of this measure is to urge the County of Hawaii to establish a metropolitan planning organization (MPO), if allowable.

Your Committee received comments on this measure from the Department of Transportation.

Your Committee finds that MPOs were established to serve as a forum for collaboration among local communities and government agencies and to direct federal funds toward projects that increase access to opportunity and prosperity through improved multimodal pedestrian, bicycle, and transit options. According to federal regulation, an MPO requires an urban area with a population of more than fifty thousand individuals. As the population of the County of Hawaii in 2016 was 198,691 people, your Committee finds it appropriate that the County should have their own MPO.

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 concurs with the intent and purpose of S.R. No. 28, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 28, S.D. 1.

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

SCRep. 1366 Transportation on S.C.R. No. 239

The purpose and intent of this measure is to urge the Department of Transportation to increase the use of reclaimed asphalt pavement in construction projects that require asphalt.

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 when asphalt pavements are removed for construction projects, resurfacing, or to obtain access to buried utilities, the removed asphalt can be crushed and screened to be reused as "reclaimed asphalt pavement (RAP)." RAP has many uses in highway construction applications, including in recycled asphalt paving. The Federal Highway Administration promotes the use of RAP in pavement construction projects to preserve the natural environment, reduce waste, and provide a cost-effective material for constructing highways and paved walkways. Therefore, your Committee finds it appropriate to urge the Department of Transportation to increase its use of RAP in certain construction projects and to explore further potential uses for RAP.

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. 239 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1367 Transportation on S.R. No. 199

The purpose and intent of this measure is to urge the Department of Transportation to increase the use of reclaimed asphalt pavement in construction projects that require asphalt.

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 when asphalt pavements are removed for construction projects, resurfacing, or to obtain access to buried utilities, the removed asphalt can be crushed and screened to be reused as "reclaimed asphalt pavement (RAP)." RAP has many uses in highway construction applications, including in recycled asphalt paving. The Federal Highway Administration promotes the use of RAP in pavement construction projects to preserve the natural environment, reduce waste, and provide a cost-effective material for constructing highways and paved walkways. Therefore, your Committee finds it appropriate to urge the Department of Transportation to increase its use of RAP in certain construction projects and to explore further potential uses for RAP.

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. 199 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1368 (Joint) Education and Human Services on S.C.R. No. 6

The purpose and intent of this measure is to urge the Department of Education to develop and implement a program designed to recruit and employ qualified blind professionals to serve as orientation and mobility instructors and in other positions as teachers of visually impaired students.

Your Committees received testimony in support of this measure from the Disability and Communication Access Board, National Federation of the Blind Hawaii, and six individuals. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that for decades, Structured Discovery Cane Travel has been empowering blind children and adults across the United States, helping them build confidence and feelings of self-respect as they move safely from place to place. For the teaching of orientation and mobility, the Department of Education has no employees who hold the National Orientation and Mobility Certification credential and until recently would only accept the Certified Orientation and Mobility Specialist (COMS) certification from the Academy for Certification of Vision Rehabilitation and Education Professionals. The COMS certification gives the Department of Education the personnel resources to provide vision-centered orientation and mobility services but not personnel qualified or capable to teach the structured discovery approach. Of the two recognized training methods, adherents to the structured discovery approach emphasize employing blind instructors, while adherents to the vision-centered approach emphasize instructors who can see, resulting in diminished employment opportunities for qualified blind persons. This measure urges the Department of Education to develop and implement a program to recruit and employ qualified blind professionals to provide more opportunities for blind instructors in the workforce while providing opportunities for self-improvement to vision impaired students.

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 concur with the intent and purpose of S.C.R. No. 6 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

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

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Misalucha).

SCRep. 1369 (Joint) Education and Human Services on S.R. No. 6

The purpose and intent of this measure is to urge the Department of Education to develop and implement a program designed to recruit and employ qualified blind professionals to serve as orientation and mobility instructors and in other positions as teachers of visually impaired students.

Your Committees received testimony in support of this measure from the National Federation of the Blind Hawaii, and six individuals. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that for decades, Structured Discovery Cane Travel has been empowering blind children and adults across the United States, helping them build confidence and feelings of self-respect as they move safely from place to place. For the teaching of orientation and mobility, the Department of Education has no employees who hold the National Orientation and Mobility Certification credential and until recently would only accept the Certified Orientation and Mobility Specialist (COMS) certification from the Academy for Certification of Vision Rehabilitation and Education Professionals. The COMS certification gives the Department of Education the personnel resources to provide vision-centered orientation and mobility services but not personnel qualified or capable to teach the structured discovery approach. Of the two recognized training methods, adherents to the structured discovery approach emphasize employing blind instructors, while adherents to the vision-centered approach emphasize instructors who can see, resulting in diminished employment opportunities for qualified blind persons. This measure urges the Department of Education to develop and implement a program to recruit and employ qualified blind professionals to provide more opportunities for blind instructors in the workforce while providing opportunities for self-improvement to vision impaired students.

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 concur with the intent and purpose of S.R. No. 6 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

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

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Misalucha).

SCRep. 1370 (Joint) Agriculture and Environment and Hawaiian Affairs on S.C.R. No. 246

The purpose and intent of this measure is to request that a working group be convened to develop recommendations for implementing the Revitalizing Economy and Agriculture Leadership Initiative.

Your Committees received testimony in support of this measure from Kamehameha Schools, Sovereign Council of Hawaiian Homestead Associations, and one individual. Your Committees received comments on this measure from the Department of Agriculture, Agribusiness Development Corporation, Department of Hawaiian Home Lands, and University of Hawai'i College of Tropical Agriculture and Human Resources.

Your Committees find that the State's Aloha+ Challenge local food goal was informed by stakeholder and community input to the Hawaii 2050 Sustainability Plan, which identified doubling local food production by 2030, so that at least twenty to thirty percent of food consumed is grown locally. For Hawaii to achieve food and energy security, farming needs to be profitable; practical and a vital component of economic and environmental recovery; and remain a priority to achieve food and energy security. The Revitalizing Economy and Agriculture Leadership (REAL) initiative empowers Hawaii farmers to become self-sustaining, for-profit businesses with industry partners; provides market connections to attract capital assets to the State; facilitates access to a sustainable food supply and feedstock for ranching; promotes clean energy and environmental conservation; and provides jobs for skilled agricultural technology workers. The REAL initiative is stabilizing Hawaii's small farming businesses impacted by the coronavirus disease 2019 (COVID-19) pandemic.

Therefore, your Committees find that a REAL working group is needed to jump-start Hawaii's agricultural economy through cost-effective agriculture that stabilizes Hawaii's economy by connecting farming and ranching and keeping revenue flowing in the State; coordinate farmers and ranchers to revitalize fallow and unproductive agricultural and pastoral lands and increase production capacity; and provide technical assistance in building communities of practice and provide workforce training in agricultural technologies, sciences, marketing, and brand thought leadership.

Your Committees have amended this measure by:

- (1) Removing references to "restorative agriculture";
- (2) Removing references to the timeline of the REAL initiative;
- (3) Providing the composition of the REAL initiative members; 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 Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 246, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 246, S.D. 1.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 5. Noes, none. Excused, none. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

SCRep. 1371 (Joint) Agriculture and Environment and Hawaiian Affairs on S.R. No. 205

The purpose and intent of this measure is to request that a working group be convened to develop recommendations for implementing the Revitalizing Economy and Agriculture Leadership Initiative.

Your Committees received testimony in support of this measure from the Sovereign Council of Hawaiian Homestead Associations, Kamehameha Schools, and two individuals. Your Committees received comments on this measure from the University of Hawai'i College of Tropical Agriculture and Human Resources and Department of Hawaiian Home Lands.

Your Committees find that the State's Aloha+ Challenge local food goal was informed by stakeholder and community input to the Hawaii 2050 Sustainability Plan, which identified doubling local food production by 2030, so that at least twenty to thirty percent of food consumed is grown locally. For Hawaii to achieve food and energy security, farming needs to be profitable; practical and a vital component of economic and environmental recovery; and remain a priority to achieve food and energy security. The Revitalizing Economy and Agriculture Leadership (REAL) initiative empowers Hawaii farmers to become self-sustaining, for-profit businesses with industry partners; provides market connections to attract capital assets to the State; facilitates access to a sustainable food supply and feedstock for ranching; promotes clean energy and environmental conservation; and provides jobs for skilled agricultural technology workers. The REAL initiative is stabilizing Hawaii's small farming businesses impacted by the coronavirus disease 2019 (COVID-19) pandemic.

Therefore, your Committees find that a REAL working group is needed to jump-start Hawaii's agricultural economy through cost-effective agriculture that stabilizes Hawaii's economy by connecting farming and ranching and keeping revenue flowing in the State; coordinate farmers and ranchers to revitalize fallow and unproductive agricultural and pastoral lands and increase production capacity; and provide technical assistance in building communities of practice and provide workforce training in agricultural technologies, sciences, marketing, and brand thought leadership.

Your Committees have amended this measure by:

- (1) Removing references to "restorative agriculture";
- (2) Removing references to the timeline of the REAL initiative;
- (3) Providing the composition of the REAL initiative members; 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 Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 205, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 205, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

SCRep. 1372 (Joint) Agriculture and Environment and Hawaiian Affairs on S.C.R. No. 247

The purpose and intent of this measure is to request that a working group be convened to develop recommendations to facilitate homestead agricultural demonstration projects in the State.

Your Committees received testimony in support of this measure from the Sovereign Council of Hawaiian Homestead Associations and one individual. Your Committees received comments on this measure from the Department of Agriculture and Department of Hawaiian Home Lands

Your Committees find that homestead agricultural demonstration projects seek to increase small farm capacity, homestead community ranching capacity, and farming and ranching supportive affordable housing on the islands of Molokai and Kauai. These projects seek to empower small family farms in planting, harvesting, and marketing of products by documenting the production chain; coordinating funding resources from local and national intermediaries to make investments in livestock related projects; and designing four-plex structures to attract private conventional long term debt capital and national intermediary equity capital to rural rental housing in compliance with the Hawaiian Homes Commission Act.

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 Agriculture and Environment and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 247, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 247, S.D. 1.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 5. Noes, none. Excused, none. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

SCRep. 1373 (Joint) Agriculture and Environment and Hawaiian Affairs on S.R. No. 206

The purpose and intent of this measure is to request that a working group be convened to develop recommendations to facilitate homestead agricultural demonstration projects in the State.

Your Committees received testimony in support of this measure from the Sovereign Council of Hawaiian Homestead Associations. Your Committees received comments on this measure from the Department of Agriculture and Department of Hawaiian Home Lands.

Your Committees find that homestead agricultural demonstration projects seek to increase small farm capacity, homestead community ranching capacity, and farming and ranching supportive affordable housing on the islands of Molokai and Kauai. These projects seek to empower small family farms in planting, harvesting, and marketing of products by documenting the production chain; coordinating funding resources from local and national intermediaries to make investments in livestock related projects; and designing four-plex structures to attract private conventional long term debt capital and national intermediary equity capital to rural rental housing in compliance with the Hawaiian Homes Commission Act.

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 Agriculture and Environment and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 206, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 206, S.D. 1.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 5. Noes, none. Excused, none. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

SCRep. 1374 (Joint) Agriculture and Environment and Hawaiian Affairs on S.C.R. No. 260

The purpose and intent of this measure is to endorse and support 'āina-based values to guide Hawaii to a healthy and thriving future.

Your Committees received testimony in support of this measure from Ka Ohana O Na Pua, Pacific American Foundation, Hawai'i Public Health Institute Obesity Prevention Task Force, Hawai'i Farm to School Hui, Hawai'i Forest Industry Association, Center for Getting Things Started, Native Hawaiian Education Council, and ten individuals.

Your Committees find that our connection and responsibility to 'āina has been and continues to be grounded in the cultural values and foundation as people of Hawaii and an island community. The 'āina based mindset is driven by a fundamental premise that nurturing the earth allows for the people to be nurtured; it is a holistic practice that is inextricably intertwined with learning, living, and teaching to bridge indigenous Hawaiian wisdom with modern knowledge. Therefore, your Committees find that adoption of an 'āina-based philosophy will support the State in its response to complex issues that require a cross-portfolio and sectoral response; provide collective solutions that are based around shared outcomes reflective of locally agreed priorities and unite local stakeholders; embed a sense of deep engagement and collaborative governance structures that engage across sectors and with a diverse cross-section of the community; and implementation through shared action, with an iterative approach and progress monitoring that supports continual learning.

Your Committees have amended this measure by:

- (1) Urging the Governor and county mayors to support and further dialogue and convening of entities within all sectors of Hawaii to proactively develop new initiatives that strengthen 'āina-based assets toward a more thriving Hawaii;
- (2) Amending its title in accordance with its amended purpose;
- (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 Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 260, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 260, S.D. 1.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 5. Noes, none. Excused, none. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

SCRep. 1375 (Joint) Agriculture and Environment and Hawaiian Affairs on S.R. No. 219

The purpose and intent of this measure is to endorse and support 'āina-based values to guide Hawaii to a healthy and thriving future.

Your Committees received testimony in support of this measure from Pacific American Foundation, Hawai'i Public Health Institute Obesity Prevention Task Force, Hawai'i Farm to School Hui, Native Hawaiian Education Council, and two individuals.

Your Committees find that our connection and responsibility to 'āina has been and continues to be grounded in the cultural values and foundation as people of Hawaii and an island community. The 'āina based mindset is driven by a fundamental premise that nurturing the earth allows for the people to be nurtured; it is a holistic practice that is inextricably intertwined with learning, living, and teaching to bridge indigenous Hawaiian wisdom with modern knowledge. Therefore, your Committees find that adoption of an 'āina-based philosophy will support the State in its response to complex issues that require a cross-portfolio and sectoral response; provide collective solutions that are based around shared outcomes reflective of locally agreed priorities and unite local stakeholders; embed a sense of deep engagement and collaborative governance structures that engage across sectors and with a diverse cross-section of the community; and implementation through shared action, with an iterative approach and progress monitoring that supports continual learning.

Your Committees have amended this measure by:

- (1) Urging the Governor and county mayors to support and further dialogue and convening of entities within all sectors of Hawaii to proactively develop new initiatives that strengthen 'āina-based assets toward a more thriving Hawaii;
- (2) Amending its title in accordance with its amended purpose;
- (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 Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 219, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 219, S.D. 1.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 5. Noes, none. Excused, none. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

SCRep. 1376 (Joint) Human Services and Health on S.C.R. No. 95

The purpose and intent of this measure is to request that the Governor convene a working group to develop recommendations for effective communications with limited English proficient persons and persons with disabilities before, during, and after emergencies and natural disasters.

Your Committees received testimony in support of this measure from the Disability and Communication Access Board, Department of Human Services, Judiciary, Office of Enterprise Technology Services, Hawai'i Coalition for Immigrant Rights, Catholic Charities Hawai'i, Medical-Legal Partnership Hawai'i, Hawai'i Friends of Civil Rights, Ethnic Education Hawai'i, Alii Interpreting Services, LLC; and five individuals. Your Committees received comments on this measure from the Office of Language Access.

Your Committees find that roughly one in four residents of Hawaii, or 348,139, speak a language other than English at home. The 2019 State of Hawaii Data Book also reported that 161,055, or approximately one in nine of Hawaii's residents, indicated that they speak English "less than very well", classifying them as limited English proficient persons. Your Committees also find that language access is a civil right that derives from Title VI of the Civil Rights Act of 1964, providing that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Further, your Committees find that the Office of Language Access, established in 2006, reaffirmed Hawaii's commitment to civil rights and inclusive access to services regardless of national origin.

Your Committees find that the State has been cited repeatedly by the federal court, federal offices of civil rights, including the Department of Justice and Hawai'i Civil Rights Commission, for its failure to provide language accessible services for limited English proficient persons. Your Committees also find that during the coronavirus disease 2019 pandemic, Hawaii's limited English proficient community has expressed concern and dismay regarding non—existent or limited access to essential state services, including health related information and unemployment benefits, in a language they understand. Therefore, your Committees find that bridging the language divide experienced by the limited English proficient, deaf, blind, and disabled communities is essential to ensuring equitable access to services, programs, and activities for all Hawai'i residents. Accordingly, your Committees believe that effective and

appropriate communication that reaches these communities during natural disasters or emergency events is critical to protecting lives, families, and the State's diverse communities.

Your Committees have amended this measure by:

- (1) Removing language tasking the working group to identify translation and interpreter costs; and
- (2) Requesting the working group to:
 - (A) Assess the current status of communication access for persons with a disability and limited English proficient persons during natural disasters and emergencies;
 - (B) Assess the current communication needs and challenges across government entities during natural disasters and emergencies;
 - (C) Identify information technology resources and other resources and costs; and
 - (D) Identify and propose legislative solutions and submit recommendations to the Legislature; 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 Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 95, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 95, S.D. 1.

Signed by the Chairs on behalf of the Committees.

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

Health: Ayes, 5. Noes, none. Excused, none.

SCRep. 1377 (Joint) Human Services and Health on S.R. No. 74

The purpose and intent of this measure is to request that the Governor convene a working group to develop recommendations for effective communications with limited English proficient persons and persons with disabilities before, during, and after emergencies and natural disasters.

Your Committees received testimony in support of this measure from the Department of Human Services and two individuals. Your Committees received comments on this measure from the Office of Language Access.

Your Committees find that roughly one in four residents of Hawaii, or 348,139, speak a language other than English at home. The 2019 State of Hawaii Data Book also reported that 161,055, or approximately one in nine of Hawaii's residents, indicated that they speak English "less than very well", classifying them as limited English proficient persons. Your Committees also find that language access is a civil right that derives from Title VI of the Civil Rights Act of 1964, providing that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Further, your Committees find that the Office of Language Access, established in 2006, reaffirmed Hawaii's commitment to civil rights and inclusive access to services regardless of national origin.

Your Committees find that the State has been cited repeatedly by the federal court, federal offices of civil rights, including the Department of Justice and Hawai'i Civil Rights Commission, for its failure to provide language accessible services for limited English proficient persons. Your Committees also find that during the coronavirus disease 2019 pandemic, Hawaii's limited English proficient community has expressed concern and dismay regarding non—existent or limited access to essential state services, including health related information and unemployment benefits, in a language they understand. Therefore, your Committees find that bridging the language divide experienced by the limited English proficient, deaf, blind, and disabled communities is essential to ensuring equitable access to services, programs, and activities for all Hawai'i residents. Accordingly, your Committees believe that effective and appropriate communication that reaches these communities during natural disasters or emergency events is critical to protecting lives, families, and the State's diverse communities.

Your Committees have amended this measure by:

- (1) Removing language tasking the working group to identify translation and interpreter costs; and
- (2) Requesting the working group to:
 - (A) Assess the current status of communication access for persons with a disability and limited English proficient persons during natural disasters and emergencies;
 - (B) Assess the current communication needs and challenges across government entities during natural disasters and emergencies;
 - (C) Identify information technology resources and other resources and costs; and
 - (D) Identify and propose legislative solutions and submit recommendations to the Legislature; 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 Health that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 74, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 74, S.D. 1.

Signed by the Chairs on behalf of the Committees.

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

Health: Ayes, 5. Noes, none. Excused, none.

SCRep. 1378 (Joint) Commerce and Consumer Protection and Energy, Economic Development, and Tourism on S.C.R. No. 248

The purpose and intent of this measure is to request that the Public Utilities Commission develop and adopt reliability standards and interconnection requirements to facilitate the timely interconnection of utility-scale renewable energy projects.

Your Committees received testimony in support of this measure from the Public Utilities Commission, Hawaii Clean Power Alliance, and Environmental Caucus of the Democratic Party of Hawaii. Your Committees received testimony in opposition to this measure from Hawaiian Electric Company, Inc. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committees find that there have been significant and unreasonable delays in interconnecting renewable energy projects, which were intended to help reduce costs for consumers, move Hawaii towards achieving its energy goals, and uphold an electric system that serves the public interest. Your Committees note the efforts made by the Public Utilities Commission (Commission) to prevent future delays and expedite interconnection timelines for renewable energy projects and further note that the State's decision to retire the Oahu coal plant and the Kahului power plant was based on the reasonable expectation of timely completion of new replacement renewable generation. However, delays have heightened certain concerns. Your Committees further note that costs for interconnection remains for the project is well into development, after power purchase pricing has been committed to, creating additional uncertainties for the project's successful completion. This measure supports efforts to address the interconnection process, timeliness, transparency, equity, and reliability of renewable energy projects by requesting the Commission to create the standards for electric grid reliability and contract with an independent Hawaii Electricity Reliability Administrator to oversee electric grid reliability.

Your Committees have amended this measure by:

- (1) Inserting language requesting the Commission to submit a report to the Legislature, no later than thirty days prior to the convening of the Regular Session of 2022, to include:
 - (A) Findings, updates, and recommendations following the Commission's April 2021 status conference addressing circumstances specific to Maui;
 - (B) Recommendations and proposed legislation amending section 269-146, Hawaii Revised Statutes, to ensure that the Commission has discretion in determining how the Hawaii electricity reliability surcharge should be assessed to reduce potential risks to ratepayers and that customers are not forced to bear the cost burden for the establishment of the Hawaii Electricity Reliability Administrator;
 - (C) Findings and updates from the Governor's task force addressing the retirement of the AES Coal Plant by 2022 and any Commission updates or recommendations in response thereto; and
 - (D) Further recommendations, including any proposed legislation, concerning any of the foregoing; 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 and Consumer Protection and Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 248, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 248, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 6. Noes, none. Excused, 1 (Fevella).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1379 (Joint) Commerce and Consumer Protection and Energy, Economic Development, and Tourism on S.R. No. 207

The purpose and intent of this measure is to request that the Public Utilities Commission develop and adopt reliability standards and interconnection requirements to facilitate the timely interconnection of utility-scale renewable energy projects.

Your Committees received testimony in support of this measure from the Public Utilities Commission, Hawaii Clean Power Alliance, and Environmental Caucus of the Democratic Party of Hawaii. Your Committees received testimony in opposition to this measure from Hawaiian Electric Company, Inc. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committees find that there have been significant and unreasonable delays in interconnecting renewable energy projects, which were intended to help reduce costs for consumers, move Hawaii towards achieving its energy goals, and uphold an electric system that serves the public interest. Your Committees note the efforts made by the Public Utilities Commission (Commission) to prevent future delays and expedite interconnection timelines for renewable energy projects and further note that the State's decision to retire the Oahu coal plant and the Kahului power plant was based on the reasonable expectation of timely completion of new replacement renewable generation. However, delays have heightened certain concerns. Your Committees further note that costs for interconnection remain unknown until a project is well into development, after power purchase pricing has been committed to, creating additional uncertainties for the project's successful completion. This measure supports efforts to address the interconnection process, timeliness, transparency, equity, and reliability of renewable energy projects by requesting the Commission to create the standards for electric grid reliability and contract with an independent Hawaii Electricity Reliability Administrator to oversee electric grid reliability.

Your Committees have amended this measure by:

- (1) Inserting language requesting the Commission to submit a report to the Legislature, no later than thirty days prior to the convening of the Regular Session of 2022, to include:
 - (A) Findings, updates, and recommendations following the Commission's April 2021 status conference addressing circumstances specific to Maui;
 - (B) Recommendations and proposed legislation amending section 269-146, Hawaii Revised Statutes, to ensure that the Commission has discretion in determining how the Hawaii electricity reliability surcharge should be assessed to reduce potential risks to ratepayers and that customers are not forced to bear the cost burden for the establishment of the Hawaii Electricity Reliability Administrator;
 - (C) Findings and updates from the Governor's task force addressing the retirement of the AES Coal Plant by 2022 and any Commission updates or recommendations in response thereto; and
 - (D) Further recommendations, including any proposed legislation, concerning any of the foregoing; 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 and Consumer Protection and Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 207, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 207, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 6. Noes, none. Excused, 1 (Fevella).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 1380 Labor, Culture and the Arts on S.C.R. No. 220

The purpose and intent of this measure is to recognize the seventy-fifth anniversary of the establishment of diplomatic relations between the United States of America and the Republic of the Philippines on July 4, 2021.

Your Committee received testimony in support of this measure from three individuals.

Your Committee finds that the United States and the Republic of the Philippines (Philippines) established diplomatic relations seventy-five years ago, on July 4, 1946.

Your Committee further finds that Filipino-Americans have a long-standing history of serving in the Armed Forces of the United States, with many having received the Congressional Medal of Honor, and continue to demonstrate a sense of patriotism and honor in the Armed Forces. The Filipino-American community has flourished in the United States, and today, it has become one of the largest among the Asian-American and Pacific Islander groups in the United States.

Your Committee also finds that since the arrival of the first fifteen Filipino plantation workers on December 20, 1906, Filipino-Americans have helped shape the history of the State and have contributed to the development of Hawaii. The Filipino-American community continues to thrive in Hawaii, and individuals of Filipino ethnicity make up the largest portion of the State's population. The existence of the economic and people-to-people exchanges, as well as the large number of sister city relationships between the cities and counties of Hawaii and cities and municipalities of the Philippines is evidence of the strong ties of friendship and cooperation between Hawaii and the Philippines.

Your Committee believes that Hawaii's recognition of the seventy-fifth anniversary of the establishment of diplomatic relations between the United States and the Philippines will further solidify its strong and prosperous relationship with the Philippines.

Your Committee has amended this measure by:

- (1) Amending the names of the countries to their official form;
- (2) Inserting language to support the democratic institutions and processes established in the Philippines and their commitment to the preservation of and respect for human rights and dignity; 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 concurs with the intent and purpose of S.C.R. No. 220, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 220, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1381 Labor, Culture and the Arts on S.R. No. 180

The purpose and intent of this measure is to recognize the seventy-fifth anniversary of the establishment of diplomatic relations between the United States of America and the Republic of the Philippines on July 4, 2021.

Your Committee received testimony in support of this measure from two individuals.

Your Committee finds that the United States and the Republic of the Philippines (Philippines) established diplomatic relations seventy-five years ago, on July 4, 1946.

Your Committee further finds that Filipino-Americans have a long-standing history of serving in the Armed Forces of the United States, with many having received the Congressional Medal of Honor, and continue to demonstrate a sense of patriotism and honor in

the Armed Forces. The Filipino-American community has flourished in the United States, and today, it has become one of the largest among the Asian-American and Pacific Islander groups in the United States.

Your Committee also finds that since the arrival of the first fifteen Filipino plantation workers on December 20, 1906, Filipino-Americans have helped shape the history of the State and have contributed to the development of Hawaii. The Filipino-American community continues to thrive in Hawaii, and individuals of Filipino ethnicity make up the largest portion of the State's population. The existence of the economic and people-to-people exchanges, as well as the large number of sister city relationships between the cities and counties of Hawaii and cities and municipalities of the Philippines is evidence of the strong ties of friendship and cooperation between Hawaii and the Philippines.

Your Committee believes that Hawaii's recognition of the seventy-fifth anniversary of the establishment of diplomatic relations between the United States and the Philippines will further solidify its strong and prosperous relationship with the Philippines.

Your Committee has amended this measure by:

- (1) Amending the names of the countries to their official form;
- (2) Inserting language to support the democratic institutions and processes established in the Philippines and their commitment to the preservation of and respect for human rights and dignity; 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 concurs with the intent and purpose of S.R. No. 180, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 180, S.D. 1.

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

SCRep. 1382 Labor, Culture and the Arts on S.C.R. No. 240

The purpose and intent of this measure is to urge the Department of Human Resources Development (DHRD) to establish a new civil service class for project managers as members of bargaining unit 13 (BU13), defined in section 89-6, Hawaii Revised Statutes, as professional and scientific employees who cannot be included in any other bargaining unit.

Your Committee received testimony in support of this measure from the Department of Human Resources Development and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that civil service positions are grouped into classes based on the kind and level of work assigned to the position and the knowledge, skills, abilities, education, training, and experience required to perform the duties thereof. Specifically, a class is a group of positions that have sufficiently similar duties and responsibilities, such that the same title and pay range or pay grade apply. Classes of positions that share a similar subject matter of work but have different levels of difficulty, responsibility, and qualifications, are called series. For example, the classes of Office Assistant I, II, III, IV, and V, make up the Office Assistant series.

Your Committee further finds that engineering construction projects are managed by engineers and architects, who are managed by project managers. While there are civil service classes and series of classes for the positions of the engineers and architects, the position of project manager is not included in any existing civil servant class or series. As such, departments that need to post recruiting information for project managers are currently using a class in the General Professional series, which is a generic series for professional positions with the work characteristics of BU13. Your Committee acknowledges that DHRD has been collaborating with other state departments to develop a civil servant class of project manager, however, official action has yet to be taken. By urging DHRD to complete its process of developing the civil servant class of project manager, this measure assists state departments in recruiting and retaining qualified project managers.

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 concurs with the intent and purpose of S.C.R. No. 240, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 240, S.D. 1.

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

SCRep. 1383 Labor, Culture and the Arts on S.R. No. 200

The purpose and intent of this measure is to urge the Department of Human Resources Development (DHRD) to establish a new civil service class for project managers as members of bargaining unit 13 (BU13), defined in section 89-6, Hawaii Revised Statutes, as professional and scientific employees who cannot be included in any other bargaining unit.

Your Committee received testimony in support of this measure from the Department of Human Resources Development and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that civil service positions are grouped into classes based on the kind and level of work assigned to the position and the knowledge, skills, abilities, education, training, and experience required to perform the duties thereof. Specifically, a class is a group of positions that have sufficiently similar duties and responsibilities, such that the same title and pay range or pay grade apply. Classes of positions that share a similar subject matter of work but have different levels of difficulty, responsibility, and qualifications, are called series. For example, the classes of Office Assistant I, II, III, IV, and V, make up the Office Assistant series.

Your Committee further finds that engineering construction projects are managed by engineers and architects, who are managed by project managers. While there are civil service classes and series of classes for the positions of the engineers and architects, the position of project manager is not included in any existing civil servant class or series. As such, departments that need to post recruiting information for project managers are currently using a class in the General Professional series, which is a generic series for professional positions with the work characteristics of BU13. Your Committee acknowledges that DHRD has been collaborating with other state departments to develop a civil servant class of project manager, however, official action has yet to be taken. By urging DHRD to complete its process of developing the civil servant class of project manager, this measure assists state departments in recruiting and retaining qualified project managers.

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 concurs with the intent and purpose of S.R. No. 200, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 200, S.D. 1.

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

SCRep. 1384 (Joint) Energy, Economic Development, and Tourism and Commerce and Consumer Protection on S.R. No. 183

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism conduct a study to examine the use and effects of transaction medium equity, which includes electronic transactions and cash transactions, on consumers and businesses in the State.

Your Committees received testimony in support of this measure from Cardtronics and one individual. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that information on the use of electronic and cash transactions in Hawaii should be gathered to help guide future legislation, policy recommendations, and decision-making on issues regarding transaction medium equity and how these forms of payment can either benefit or disadvantage consumers and businesses. Your Committees received testimony from the Department of Business, Economic Development, and Tourism, which reported that it does not have the expertise or the resources to conduct the study envisioned by this measure. Your Committees further find that the Legislative Reference Bureau has the necessary expertise and experience to conduct this study, and therefore amendments are needed to address this concern.

Accordingly, your Committees have amended this measure by:

- (1) Requesting that the Legislative Reference Bureau, instead of the Department of Business, Economic Development, and Tourism, conduct a study to examine the use and effects of transaction medium equity, which includes electronic transactions and cash transactions, on consumers and businesses in the State of Hawaii;
- (2) Amending its title in accordance with 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 Energy, Economic Development, and Tourism and Commerce and Consumer Protection that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 183, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 183, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce and Consumer Protection: Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 1385 Energy, Economic Development, and Tourism on S.C.R. No. 259

The purpose and intent of this measure is to urge the State to explore and implement a visitor pledge of Aloha to educate and explain the importance of Hawaii's environment and culture and encourage increased respect and appreciation of the Hawaiian Islands.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority. Your Committee received comments on this measure from one individual.

Your Committee finds that Hawaii's environment, culture, and people are unique and its assailable resources are central to the identity of our island state. Your Committee further finds that the unique attributes of the Hawaiian Islands should be honored, valued, and protected by the people of Hawaii and visitors should be educated and acknowledge their kuleana to honor and respect Hawaii's environment, culture, and people. This measure, which implements a visitor pledge of Aloha, will allow visitors to gain a deeper understanding of the importance of Hawaii's environment and culture and an increased admiration and respect of the Hawaiian Islands.

Your Committee also finds that this measure aligns with the Hawaii Tourism Authority's guiding principles, and therefore, your Committee has amended this measure by:

- (1) Identifying the Hawaii Tourism Authority as the responsible State agency for this effort;
- (2) Amending its title in accordance with 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 Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 259, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 259, S.D. 1.

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

SCRep. 1386 Energy, Economic Development, and Tourism on S.R. No. 218

The purpose and intent of this measure is to urge the State to explore and implement a visitor pledge of Aloha to educate and explain the importance of Hawaii's environment and culture and encourage increased respect and appreciation of the Hawaiian Islands.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority.

Your Committee finds that Hawaii's environment, culture, and people are unique and its assailable resources are central to the identity of our island state. Your Committee further finds that the unique attributes of the Hawaiian Islands should be honored, valued, and protected by the people of Hawaii and visitors should be educated and acknowledge their kuleana to honor and respect Hawaii's environment, culture, and people. This measure, which implements a visitor pledge of Aloha, will allow visitors to gain a deeper understanding of the importance of Hawaii's environment and culture and an increased admiration and respect of the Hawaiian Islands.

Your Committee also finds that this measure aligns with the Hawaii Tourism Authority's guiding principles, and therefore, your Committee has amended this measure by:

- (1) Identifying the Hawaii Tourism Authority as the responsible State agency for this effort;
- (2) Amending its title in accordance with 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 Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 218, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 218, S.D. 1.

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

SCRep. 1387 Energy, Economic Development, and Tourism on S.C.R. No. 88

The purpose and intent of this measure is to support and adopt the goals set forth in the Digital Equity Declaration for Hawaii adopted by the Broadband Hui.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawai'i Primary Care Association; Aloha Care; Transform Hawai'i Government; and two individuals. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that "digital equity" is a condition in which all Hawaii residents have the information technology capacity to participate fully in our society, democracy, and economy; including civics, social and cultural activities, employment, lifelong learning, and access to essential services. In contrast, "digital inequity", often referred to as the "digital divide", is a pressing concern, separating those individuals in rural communities and socioeconomically disadvantaged circumstances from the rest of modern society. Your Committee further finds that the coronavirus disease 2019 pandemic has exacerbated the "digital divide" and highlighted the need for broadband infrastructure and "digital equity" across the State, especially in unserved or underserved areas.

Your Committee recognizes that the Broadband Hui is a multi-sector conglomerate of both public and private organizations and individuals, which convened to discuss and adopt a compilation of goals known as the Digital Equity Declaration for Hawaii. Your Committee believes that the goals set forth by the Broadband Hui are timely and important for state government to consider in securing digital equity for Hawaii's citizenry.

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 concurs with the intent and purpose of S.C.R. No. 88 and recommends its adoption.

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

SCRep. 1388 Energy, Economic Development, and Tourism on S.R. No. 67

The purpose and intent of this measure is to support and adopt the goals set forth in the Digital Equity Declaration for Hawaii adopted by the Broadband Hui.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawai'i Primary Care Association; Aloha Care; and Transform Hawai'i Government.

Your Committee finds that "digital equity" is a condition in which all Hawaii residents have the information technology capacity to participate fully in our society, democracy, and economy; including civics, social and cultural activities, employment, lifelong learning, and access to essential services. In contrast, "digital inequity", often referred to as the "digital divide", is a pressing concern, separating those individuals in rural communities and socioeconomically disadvantaged circumstances from the rest of modern society. Your Committee further finds that the coronavirus disease 2019 pandemic has exacerbated the "digital divide" and highlighted the need for broadband infrastructure and "digital equity" across the State, especially in unserved or underserved areas.

Your Committee recognizes that the Broadband Hui is a multi-sector conglomerate of both public and private organizations and individuals, which convened to discuss and adopt a compilation of goals known as the Digital Equity Declaration for Hawaii. Your Committee believes that the goals set forth by the Broadband Hui are timely and important for state government to consider in securing digital equity for Hawaii's citizenry.

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 concurs with the intent and purpose of S.R. No. 67 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1389 Energy, Economic Development, and Tourism on S.C.R. No. 184

The purpose and intent of this measure is to request the Department of Business, Economic Development, and Tourism to convene a working group to produce an integrated strategic plan for regional engagement by the State of Hawaii in the Pacific Islands Region.

Your Committee received testimony in support of this measure from eleven individuals. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the East-West Center has engaged in efforts to revitalize the Pacific Islands Conference of Leaders' annual dialogue, which has historically linked Hawaii, Guam, Commonwealth of the Northern Marianas, and American Samoa with the Northern Pacific in a concrete framework. The discussions have addressed our shared concerns about migration, health care, climate change, gender equality, and economic development. Therefore, your Committee believes that the working group and development of an integrated strategic plan for regional engagement requested by this measure would allow Hawaii to achieve the long-term objective of reaffirming itself as the political, economic, environmental, sociological, and technological epicenter for regional engagement in the Pacific Island region.

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 concurs with the intent and purpose of S.C.R. No. 184 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1390 Energy, Economic Development, and Tourism on S.R. No. 149

The purpose and intent of this measure is to request the Department of Business, Economic Development, and Tourism to convene a working group to produce an integrated strategic plan for regional engagement by the State of Hawaii in the Pacific Islands Region.

Your Committee received testimony in support of this measure from eleven individuals. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the East-West Center has engaged in efforts to revitalize the Pacific Islands Conference of Leaders' annual dialogue, which has historically linked Hawaii, Guam, Commonwealth of the Northern Marianas, and American Samoa with the Northern Pacific in a concrete framework. The discussions have addressed our shared concerns about migration, health care, climate change, gender equality, and economic development. Therefore, your Committee believes that the working group and development of an integrated strategic plan for regional engagement requested by this measure would allow Hawaii to achieve the long-term objective of reaffirming itself as the political, economic, environmental, sociological, and technological epicenter for regional engagement in the Pacific Island region.

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 concurs with the intent and purpose of S.R. No. 149 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1391 Health on S.C.R. No. 255

The purpose and intent of this measure is to request that the twenty-seventh day of June of each year be recognized as Post-Traumatic Stress Injury Awareness Day and the month of June of each year be designated as Post-Traumatic Stress Injury Awareness Month.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that post-traumatic stress has been mischaracterized as a mental illness and that the term "disorder" carries a stigma that perpetuates this misconception. Your Committee further finds that electro-magnetic imaging has shown that severe post-traumatic stress causes physical changes in the brain that are more accurately described as an injury than a disorder.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 255 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1392 Health on S.R. No. 214

The purpose and intent of this measure is to request that the twenty-seventh day of June of each year be recognized as Post-Traumatic Stress Injury Awareness Day and the month of June of each year be designated as Post-Traumatic Stress Injury Awareness Month.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that post-traumatic stress has been mischaracterized as a mental illness and that the term "disorder" carries a stigma that perpetuates this misconception. Your Committee further finds that electro-magnetic imaging has shown that severe post-traumatic stress causes physical changes in the brain that are more accurately described as an injury than a disorder.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 214 and recommends its adoption.

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

SCRep. 1393 Health on S.C.R. No. 37

The purpose and intent of this measure is to request the Department of Health to report on cardiopulmonary resuscitation (CPR) instruction being offered throughout state departments.

Your Committee received comments on this measure from the Department of Health.

Your Committee finds that out-of-hospital cardiac arrest is one of the leading causes of death in the State. Cities that have increased CPR training have seen cardiac arrest survival rates reach up to sixty percent. Your Committee finds that CPR training can be completed in a single thirty-minute session. Your Committee acknowledges the testimony of the Department of Health, which explained that it was not aware of whether state departments offer CPR training.

Therefore, your Committee has amended this measure by:

- (1) Requesting the Department of Health to survey other state departments as to whether those departments offer CPR training;
- (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 record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 37, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 37, S.D. 1.

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

SCRep. 1394 Health on S.R. No. 26

The purpose and intent of this measure is to request the Department of Health to report on cardiopulmonary resuscitation (CPR) instruction being offered throughout state departments.

Your Committee received comments on this measure from the Department of Health.

Your Committee finds that out-of-hospital cardiac arrest is one of the leading causes of death in the State. Cities that have increased CPR training have seen cardiac arrest survival rates reach up to sixty percent. Your Committee finds that CPR training can be completed in a single thirty-minute session. Your Committee acknowledges the testimony of the Department of Health, which explained that it was not aware of whether state departments offer CPR training.

Therefore, your Committee has amended this measure by:

- (1) Requesting the Department of Health to survey other state departments as to whether those departments offer CPR training;
- (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 record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 26, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 26, S.D. 1.

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

SCRep. 1395 Health on S.C.R. No. 35

The purpose and intent of this measure is to request the Department of Health Office of Health Status Monitoring to improve its process for fulfilling vital record requests.

Your Committee received comments on this measure from the Department of Health.

Your Committee finds that pursuant to the Governor's Third Supplementary Proclamation and Emergency Rules Relating to COVID-19, requests for vital records pertaining to births, deaths, marriages, and name changes required for identification, nationality, and citizenship have become backlogged in the Office of Health Status Monitoring. This backlog of vital record requests have led to delays in those requestors' registrations for Social Security, burial, probate, and others that require verification of vital records. This measure requests the Office of Health Status Monitoring to improve its fulfilment of vital record requests.

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 Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 35, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 35, S.D. 1.

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

SCRep. 1396 Health on S.R. No. 24

The purpose and intent of this measure is to request the Department of Health Office of Health Status Monitoring to improve its process for fulfilling vital record requests.

Your Committee did not receive any testimony on this measure.

Your Committee finds that pursuant to the Governor's Third Supplementary Proclamation and Emergency Rules Relating to COVID-19, requests for vital records pertaining to births, deaths, marriages, and name changes required for identification, nationality, and citizenship have become backlogged in the Office of Health Status Monitoring. This backlog of vital record requests have led to delays in those requestors' registrations for Social Security, burial, probate, and others that require verification of vital records. This measure requests the Office of Health Status Monitoring to improve its fulfilment of vital record requests.

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 Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 24, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 24, S.D. 1.

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

SCRep. 1397 (Joint) Government Operations and Water and Land on S.C.R. No. 162

The purpose and intent of this measure is to request that each executive department:

- (1) Identify existing and planned departmental facilities, including critical infrastructure facilities that are vulnerable to flooding and other impacts of sea level rise;
- (2) Assess options for mitigating the impacts of sea level rise to existing and planned departmental facilities, especially those facilities located in areas in which the conservation of beaches and coastal environments is desired; and
- (3) Submit a report to the Governor, Legislature, and Hawaii Climate Change Mitigation and Adaptation Commission no later than twenty days prior to the convening of each Regular Session.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, Hawaii Climate Change Mitigation and Adaptation Commission, Hawaii'i Reef and Ocean Coalition, and the Environmental Caucus of the Democratic Party of Hawaii'i. Your Committees received comments on this measure from the Department of Education and Office of Planning.

Your Committees find that with the recent estimate of three feet or more in sea level rise in the second half of this century, it is critical that the State proactively address potential climate change impacts on existing and planned public infrastructure. Your Committees note that certain departments may lack the necessary resources required to fund and administer the research, analysis, and recommendations requested by this measure.

Your Committees have amended this measure by:

- (1) Requesting that infrastructure also be identified and assessed along with the departmental facilities that may be vulnerable to flooding and other impacts of sea level rise;
- (2) Requesting that the Office of Planning coordinate the efforts of each executive department to identify and assess vulnerable facilities and infrastructure;
- (3) Requesting that the Office of Planning submit the report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023; 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 Government Operations and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 162, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 162, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

SCRep. 1398 (Joint) Government Operations and Water and Land on S.R. No. 127

The purpose and intent of this measure is to request that each executive department:

(1) Identify existing and planned departmental facilities, including critical infrastructure facilities that are vulnerable to flooding and other impacts of sea level rise;

- (2) Assess options for mitigating the impacts of sea level rise to existing and planned departmental facilities, especially those facilities located in areas in which the conservation of beaches and coastal environments is desired; and
- (3) Submit a report to the Governor, Legislature, and Hawaii Climate Change Mitigation and Adaptation Commission no later than twenty days prior to the convening of each Regular Session.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, Hawaii Climate Change Mitigation and Adaptation Commission, and Environmental Caucus of the Democratic Party of Hawai'i. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that with the recent estimate of three feet or more in sea level rise in the second half of this century, it is critical that the State proactively address potential climate change impacts on existing and planned public infrastructure. Your Committees note that certain departments may lack the necessary resources required to fund and administer the research, analysis, and recommendations requested by this measure.

Your Committees have amended this measure by:

- (1) Requesting that infrastructure also be identified and assessed along with the departmental facilities that may be vulnerable to flooding and other impacts of sea level rise;
- (2) Requesting that the Office of Planning coordinate the efforts of each executive department to identify and assess vulnerable facilities and infrastructure:
- (3) Requesting that the Office of Planning submit the report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023; 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 Government Operations and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 127, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 127, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

SCRep. 1399 Transportation on S.C.R. No. 121

The purpose and intent of this measure is to urge the City and County of Honolulu to install three raised crosswalks on Papipi Road in west Oahu.

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) Urge the Department of Transportation and City and County of Honolulu to install six raised crosswalks at specific locations in west Oahu:
- (2) Urge the Department of Transportation and City and County of Honolulu to remove bus stop number 1091, located in front of Ilima Intermediate School on Fort Weaver Road in west Oahu; and
- (3) Request that the Department of Transportation and City and County of Honolulu notify those affected by the removal of bus stop number 1091 that other bus stops in close proximity remain in service.

Your Committee received testimony in support of the proposed S.D. 1 from the Ewa Neighborhood Board Number 23 and eight individuals. Your Committee received comments on this measure from the Department of Transportation and Department of Transportation Services for the City and County of Honolulu.

Your Committee finds that speeding on certain west Oahu streets poses a serious threat to the safety of residents, especially to school children when the speeding occurs near schools. This measure urges the Department of Transportation and the City and County of Honolulu to install raised crosswalks or other general safety measures along certain portions of the streets where speeding frequently occurs. These safety measures will slow down vehicular traffic and help keep residents safe.

Your Committee notes that the Department of Transportation has raised concerns that installing raised crosswalks at specific points in west Oahu will lead to increased traffic and gridlock at certain intersections.

Accordingly, your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- Removing the specification for raised crosswalks and replacing it with a request for general safety measures as appropriate;
- (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 concurs with the intent and purpose of S.C.R. No. 121, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 121, S.D. 1.

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

SCRep. 1400 Transportation on S.R. No. 95

The purpose and intent of this measure is to urge the City and County of Honolulu to install three raised crosswalks on Papipi Road in west Oahu.

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) Urge the Department of Transportation and City and County of Honolulu to install six raised crosswalks at specific locations in west Oahu:
- (2) Urge the Department of Transportation and City and County of Honolulu to remove bus stop number 1091, located in front of Ilima Intermediate School on Fort Weaver Road in west Oahu; and
- (3) Request that the Department of Transportation and City and County of Honolulu notify those affected by the removal of bus stop number 1091 that other bus stops in close proximity remain in service.

Your Committee received testimony in support of this measure from Ewa Beach Elementary School and two individuals. Your Committee received comments on this measure from the Department of Transportation and Department of Transportation Services of the City and County of Honolulu.

Your Committee finds that speeding on certain west Oahu streets poses a serious threat to the safety of residents, especially to school children when the speeding occurs near schools. This measure urges the Department of Transportation and the City and County of Honolulu to install raised crosswalks or other general safety measures along certain portions of the streets where speeding frequently occurs. These safety measures will slow down vehicular traffic and help keep residents safe.

Your Committee notes that the Department of Transportation has raised concerns that installing raised crosswalks at specific points in west Oahu will lead to increased traffic and gridlock at certain intersections.

Accordingly, your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Removing the specification for raised crosswalks and replacing it with a request for general safety measures as appropriate;
- (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 concurs with the intent and purpose of S.R. No. 95, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 95, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1401 Transportation on S.C.R. No. 213

The purpose and intent of this measure is to:

- (1) Encourage the State to establish a zero net vehicle growth policy; and
- (2) Request the Department of Transportation to convene a working group to determine the feasibility and best course of action for the State to adopt a zero net vehicle growth policy.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office and Department of Transportation. Your Committee received testimony in opposition to this measure from the Hawaii Automobile Dealers Association, King Windward Nissan, and JN Group.

Your Committee finds that traffic congestion is a major issue that costs the State millions of dollars annually and negatively contributes to the health and welfare of residents. The current method of dealing with traffic congestion by widening roads to add more lanes is not a sustainable path. Additionally, studies have shown that adding lane miles does not solve traffic problems.

Your Committee notes the testimony from several automobile dealerships in opposition to this measure that calls into question whether a zero net vehicle growth policy would be in the best interest of the people of Hawaii. Your Committee finds that this question is worthy of discussion within the working group.

Accordingly, your Committee has amended this measure by:

- Urging the State to examine and consider innovative policies to invest in alternative transit infrastructure and reduce the number of vehicles on the roads instead of urging the State to adopt a zero net vehicle growth policy;
- (2) Requesting the working group to examine and consider innovative policies to invest in alternative transit infrastructure and reduce the number of vehicles on the roads instead of determining how best to implement a zero net vehicle growth policy;
- (3) Removing the Director of Department of Business, Economic Development, and Tourism from the working group;
- (4) Adding the following members to the working group:
 - (A) The Chairperson of the Senate Standing Committee on Housing;
 - (B) The Chairperson of the House of Representatives Standing Committee on Housing;
 - (C) The Chief Energy Officer;

- (D) A representative of the Ulupono Initiative; and
- (E) A representative of the Hawaii Bicycling League;
- (5) Eliminating specific provisions only applicable to the zero net vehicle growth policy;
- (6) Amending its title in accordance with 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 Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 213, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 213, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1402 Transportation on S.R. No. 176

The purpose and intent of this measure is to:

- (1) Encourage the State to establish a zero net vehicle growth policy; and
- (2) Request the Department of Transportation to convene a working group to determine the feasibility and best course of action for the State to adopt a zero net vehicle growth policy.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office and Department of Transportation. Your Committee received testimony in opposition to this measure from the Hawaii Automobile Dealers Association, King Windward Nissan, and JN Group.

Your Committee finds that traffic congestion is a major issue that costs the State millions of dollars annually and negatively contributes to the health and welfare of residents. The current method of dealing with traffic congestion by widening roads to add more lanes is not a sustainable path. Additionally, studies have shown that adding lane miles does not solve traffic problems.

Your Committee notes the testimony from several automobile dealerships in opposition to this measure that calls into question whether a zero net vehicle growth policy would be in the best interest of the people of Hawaii. Your Committee finds that this question is worthy of discussion within the working group.

Accordingly, your Committee has amended this measure by:

- Urging the State to examine and consider innovative policies to invest in alternative transit infrastructure and reduce the number of vehicles on the roads instead of urging the State to adopt a zero net vehicle growth policy;
- (2) Requesting the working group to examine and consider innovative policies to invest in alternative transit infrastructure and reduce the number of vehicles on the roads instead of determining how best to implement a zero net vehicle growth policy;
- (3) Removing the Director of Department of Business, Economic Development, and Tourism from the working group;
- (4) Adding the following members to the working group:
 - (A) The Chairperson of the Senate Standing Committee on Housing;
 - (B) The Chairperson of the House of Representatives Standing Committee on Housing;
 - (C) The Chief Energy Officer;
 - (D) A representative of the Ulupono Initiative; and
 - (E) A representative of the Hawaii Bicycling League;
- (5) Eliminating specific provisions only applicable to the zero net vehicle growth policy;
- (6) Amending its title in accordance with 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 Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 176, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 176, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1403 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 76

The purpose and intent of this measure is to request the City and County of Honolulu to prohibit electric scooters, electric bicycles, and electric trikes on sidewalks

Your Committees received testimony in support of this measure from eight individuals. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Department of Transportation Services for the City and County of Honolulu (DOTS).

Your Committees find that electric scooters, bikes, and trikes can weigh more than forty pounds and can be modified to reach speeds of eighteen miles per hour, which is nearly six times faster than the average walking speed. These devices can be a safety risk to pedestrians when operated on the same sidewalks.

However, your Committees have heard the concerns raised by the City and County of Honolulu, Department of Transportation Services regarding the legality of the requests made by this measure. Under existing state traffic code, electric scooters are classified as mopeds and are generally prohibited from operation regardless of location. As the operation of electric foot scooters are prohibited by state law, the counties do not have the authority to further regulate their use. Amendments to this measure are therefore necessary to address the DOTS' concerns.

Accordingly, your Committees have amended this measure by:

- (1) Removing the request that the City and County of Honolulu prohibit electric scooters, bicycles, and trikes on sidewalks and replacing it with a request to provide the necessary facilities for their safe operation that would be separate them from pedestrian traffic;
- (2) Amending its title in accordance with 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 Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 76, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 76, S.D. 1.

Signed by the Chairs on behalf of the Committees.

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

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1404 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.R. No. 56

The purpose and intent of this measure is to request the City and County of Honolulu to prohibit electric scooters, electric bicycles, and electric trikes on sidewalks.

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

Your Committees find that electric scooters, bikes, and trikes can weigh more than forty pounds and can be modified to reach speeds of eighteen miles per hour, which is nearly six times faster than the average walking speed. These devices can be a safety risk to pedestrians when operated on the same sidewalks.

However, your Committees have heard the concerns raised by the City and County of Honolulu, Department of Transportation Services regarding the legality of the requests made by this measure. Under existing state traffic code, electric scooters are classified as mopeds and are generally prohibited from operation regardless of location. As the operation of electric foot scooters are prohibited by state law, the counties do not have the authority to further regulate their use. Amendments to this measure are therefore necessary to address the DOTS' concerns.

Accordingly, your Committees have amended this measure by:

- (1) Removing the request that the City and County of Honolulu prohibit electric scooters, bicycles, and trikes on sidewalks and replacing it with a request to provide the necessary facilities for their safe operation that would be separate them from pedestrian traffic;
- (2) Amending its title in accordance with 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 Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 56, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 56, S.D. 1.

Signed by the Chairs on behalf of the Committees.

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

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1405 Transportation on S.C.R. No. 21

The purpose and intent of this measure is to request the Department of Transportation along with the Kauai Department of Public Works to conduct a joint study to identify and recommend methods to alleviate traffic congestion at certain points along Kaumualii Highway.

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

Your Committee finds that Kaumualii Highway in the County of Kauai is a thirty-three-mile highway that passes through some of the largest communities on Kauai, including Lihue, Omao, Koloa, Kalaheo, and Waimea, among others. Additionally, seventeen of the county's largest employers are located in communities near Kaumualii Highway. Due to the growing population of Kauai County along with the proximity to some of the area's largest employers, Kaumualii Highway experiences some of the worst traffic congestion in the county. This measure requests the Department of Transportation and the Kauai Department of Public Works to conduct a joint study to identify and recommend methods to alleviate traffic congestion at certain points along the highway.

Your Committee has amended this measure by:

- (1) Changing the date by which the Department of Transportation and Kauai Department of Public Works are requested to present their findings and recommendations to the Legislature from 2022 to 2023; 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 concurs with the intent and purpose of S.C.R. No. 21, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 21, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1406 Transportation on S.R. No. 10

The purpose and intent of this measure is to request the Department of Transportation along with the Kauai Department of Public Works to conduct a joint study to identify and recommend methods to alleviate traffic congestion at certain points along Kaumualii Highway.

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

Your Committee finds that Kaumualii Highway in the County of Kauai is a thirty-three-mile highway that passes through some of the largest communities on Kauai, including Lihue, Omao, Koloa, Kalaheo, and Waimea, among others. Additionally, seventeen of the county's largest employers are located in communities near Kaumualii Highway. Due to the growing population of Kauai County along with the proximity to some of the area's largest employers, Kaumualii Highway experiences some of the worst traffic congestion in the county. This measure requests the Department of Transportation and the Kauai Department of Public Works to conduct a joint study to identify and recommend methods to alleviate traffic congestion at certain points along the highway.

Your Committee has amended this measure by:

- (1) Changing the date by which the Department of Transportation and Kauai Department of Public Works are requested to present their findings and recommendations to the Legislature from 2022 to 2023; 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 concurs with the intent and purpose of S.R. No. 10, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 10, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1407 Health on S.C.R. No. 208

The purpose and intent of this measure is to request the Department of Health to convene a Medicinal Psilocybin and Psilocin Working Group to examine:

- (1) Federal, state, and local laws, regulations, administrative rules, and procedures regarding the medicinal use of psilocybin and psilocin;
- (2) Available medical, psychological, and scientific studies, research, and other information relating to the safety and efficacy of psilocybin and psilocin in treating mental health conditions; and
- (3) Requirements, specifications, and guidelines for a medical professional to prescribe and provide psilocybin and psilocin to patients.

Your Committee received testimony in support of this measure from Beyond Mental Health; The Clarity Project; Drug Policy Forum of Hawai'i, Inc.; and thirty-one individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that mental health conditions are treated in various ways, depending on the condition, and can include medication, therapy, and psychosocial services. Your Committee further finds that studies conducted by nationally and internationally recognized medical institutions demonstrate that psilocybin and psilocin, which occur naturally in certain species of mushrooms, have shown efficacy, tolerability, and safety in the treatment of a variety of mental health conditions, including addiction, depression, anxiety disorders, and end-of-life psychological distress. This measure requests the Department of Health to convene a working group examine the relevant issues regarding psilocybin and psilocin and, if feasible, to develop a long-term plan to ensure the availability of safe, accessible, and affordable medicinal psilocybin and psilocin in the State.

Your Committee acknowledges the testimony of the Department of Health, which recommended modifying the proposed members of the working group to enhance its expertise and promote manageability. Therefore, your Committee has amended this measure by:

- (1) Amending its title to reflect its amended purpose;
- (2) Removing certain members from the working group;
- (3) Limiting the size of the working group to no more than fifteen members; 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 Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 208, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 208, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1408 Health on S.R. No. 172

The purpose and intent of this measure is to request the Department of Health to convene a Medicinal Psilocybin and Psilocin Working Group to examine:

- (1) Federal, state, and local laws, regulations, administrative rules, and procedures regarding the medicinal use of psilocybin and psilocin;
- (2) Available medical, psychological, and scientific studies, research, and other information relating to the safety and efficacy of psilocybin and psilocin in treating mental health conditions; and
- (3) Requirements, specifications, and guidelines for a medical professional to prescribe and provide psilocybin and psilocin to patients.

Your Committee received testimony in support of this measure from three individuals.

Your Committee finds that mental health conditions are treated in various ways, depending on the condition, and can include medication, therapy, and psychosocial services. Your Committee further finds that studies conducted by nationally and internationally recognized medical institutions demonstrate that psilocybin and psilocin, which occur naturally in certain species of mushrooms, have shown efficacy, tolerability, and safety in the treatment of a variety of mental health conditions, including addiction, depression, anxiety disorders, and end-of-life psychological distress. This measure requests the Department of Health to convene a working group examine the relevant issues regarding psilocybin and psilocin and, if feasible, to develop a long-term plan to ensure the availability of safe, accessible, and affordable medicinal psilocybin and psilocin in the State.

Your Committee acknowledges the testimony of the Department of Health, which recommended modifying the proposed members of the working group to enhance its expertise and promote manageability. Therefore, your Committee has amended this measure by:

- (1) Amending its title to reflect its amended purpose;
- (2) Removing certain members from the working group;
- (3) Limiting the size of the working group to no more than fifteen members; 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 Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 172, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 172, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1409 (Joint) Health and Human Services on S.C.R. No. 119

The purpose and intent of this measure is to request the Department of Health to change its eligibility criteria for the home and community-based services Medicaid waiver for individuals having intellectual or developmental disabilities, or mental illnesses.

Your Committees received testimony in support of this measure from the Hawaii Disability Rights Center. Your Committees received testimony in opposition to this measure from the Department of Health. Your Committees received comments on this measure from the State Council on Developmental Disabilities.

Your Committees find that state residents who have intellectual or developmental disabilities may receive Medicaid benefits if those residents meet the requirements for having a developmental disability under existing state law. However, the criteria for having a developmental disability pursuant to existing law unfairly excludes from eligibility a number of individuals who would otherwise be eligible for services based on their developmental disabilities. This measure requests the Department of Health to change its eligibility criteria so that more state residents may qualify for Medicaid.

Your Committees recognize the testimony of the Department of Health, raising concerns that changing its eligibility criteria would not necessarily allow more residents to be eligible for Medicaid and that further study is needed to determine the fiscal implications of expanding coverage. Accordingly, your Committees have amended this measure by:

- (1) Replacing the request for the Department of Health to change its eligibility criteria with a request for the Department of Health Developmental Disability Division to convene a task force to study the feasibility of the Department to change its eligibility criteria; and
- (2) Replacing references to 11-88.1-1.5(a), Hawaii Administrative Rules, with 11-88.1-5(a), Hawaii Administrative Rules;
- (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 Health and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 119, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 119, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Misalucha).

SCRep. 1410 (Joint) Health and Human Services on S.R. No. 93

The purpose and intent of this measure is to request the Department of Health to change its eligibility criteria for the home and community-based services Medicaid waiver for individuals having intellectual or developmental disabilities, or mental illnesses.

Your Committees received comments on this measure from the State Council on Developmental Disabilities.

Your Committees find that state residents who have intellectual or developmental disabilities may receive Medicaid benefits if those residents meet the requirements for having a developmental disability under existing state law. However, the criteria for having a developmental disability pursuant to existing law unfairly excludes from eligibility a number of individuals who would otherwise be eligible for services based on their developmental disabilities. This measure requests the Department of Health to change its eligibility criteria so that more state residents may qualify for Medicaid.

Your Committees recognize the testimony of the Department of Health, raising concerns that changing its eligibility criteria would not necessarily allow more residents to be eligible for Medicaid and that further study is needed to determine the fiscal implications of expanding coverage. Accordingly, your Committees have amended this measure by:

- (1) Replacing the request for the Department of Health to change its eligibility criteria with a request for the Department of Health Developmental Disability Division to convene a task force to study the feasibility of the Department to change its eligibility criteria; and
- (2) Replacing references to 11-88.1-1.5(a), Hawaii Administrative Rules, with 11-88.1-5(a), Hawaii Administrative Rules;
- (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 Health and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 93, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 93, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Misalucha).

SCRep. 1411 Health on S.C.R. No. 176

The purpose and intent of this measure is to request the Department of Health to conduct a study that explores options for the Department to provide better oversight of community health centers, dental clinics, and other medical service entities.

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

Your Committee finds that community health centers, also known as federally qualified health centers, are the cornerstone of the State's health care system and provide essential services to the most vulnerable populations. Recently, community health centers and other medical service entities have experienced disturbing incidents, including the closure of the only community health center on the island of Molokai and the death of a child at a Kailua dental practice. This measure requests the Department of Health to explore ways to provide better oversight of community health centers, dental clinics, and other medical service entities.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 176 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1412 Health on S.R. No. 141

The purpose and intent of this measure is to request the Department of Health to conduct a study that explores options for the Department to provide better oversight of community health centers, dental clinics, and other medical service entities.

Your Committee did not receive any testimony on this measure.

Your Committee finds that community health centers, also known as federally qualified health centers, are the cornerstone of the State's health care system and provide essential services to the most vulnerable populations. Recently, community health centers and other medical service entities have experienced disturbing incidents, including the closure of the only community health center on the island of Molokai and the death of a child at a Kailua dental practice. This measure requests the Department of Health to explore ways to provide better oversight of community health centers, dental clinics, and other medical service entities.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 141 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1413 (Joint) Health and Government Operations on S.C.R. No. 169

The purpose and intent of this measure is to urge the Governor to create a task force to develop recommendations on the roles and responsibilities of the Department of the Attorney General and the state and county law enforcement agencies to enforce emergency proclamations, including but not limited to supplemental emergency proclamations related to the coronavirus disease 2019 (COVID-19) pandemic.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of the Prosecuting Attorney. Your Committees received testimony in opposition to this measure from seventeen individuals. Your Committees received comments on this measure from the Department of the Attorney General and Hawaii Emergency Management Agency.

Your Committees find that existing law provides the Governor and county mayors the ability to establish misdemeanor offenses through rulemaking during emergency periods. The Governor has issued supplemental emergency proclamations to mitigate the spread of COVID-19 by ordering residents and visitors to self-quarantine for a mandatory fourteen-day period, which applies to all arrivals at state airports from the continental United States and international destinations. However, enforcement of the Governor's emergency order are largely on an "honor system", dependent on the deterrent effect of potential penalties and the individual's tolerance for risk. This measure requests the Governor to establish a task force to make recommendations on how to enforce future emergency proclamations.

Your Committees have amended this measure by:

- (1) Amending the measure to more accurately describe the purpose of the State's mandatory self-quarantine requirement;
- (2) Expanding the scope of the measure to include all emergency proclamations;
- (3) Adding additional members to sit on the task force; 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 Health and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 169, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 169, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 5. Noes, none. Excused, none.

SCRep. 1414 (Joint) Health and Government Operations on S.R. No. 134

The purpose and intent of this measure is to urge the Governor to create a task force to develop recommendations on the roles and responsibilities of the Department of the Attorney General and the state and county law enforcement agencies to enforce emergency proclamations, including but not limited to supplemental emergency proclamations related to the coronavirus disease 2019 (COVID-19) pandemic.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of the Prosecuting Attorney. Your Committees received testimony in opposition to this measure from five individuals. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that existing law provides the Governor and county mayors the ability to establish misdemeanor offenses through rulemaking during emergency periods. The Governor has issued supplemental emergency proclamations to mitigate the spread of COVID-19 by ordering residents and visitors to self-quarantine for a mandatory fourteen-day period, which applies to all arrivals at state airports from the continental United States and international destinations. However, enforcement of the Governor's emergency order are largely on an "honor system", dependent on the deterrent effect of potential penalties and the individual's tolerance for risk. This measure requests the Governor to establish a task force to make recommendations on how to enforce future emergency proclamations.

Your Committees have amended this measure by:

- (1) Amending the measure to more accurately describe the purpose of the State's mandatory self-quarantine requirement;
- (2) Expanding the scope of the measure to include all emergency proclamations;
- (3) Adding additional members to sit on the task force; 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 Health and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 134, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 134, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 5. Noes, none. Excused, none.

SCRep. 1415 (Joint) Housing and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 2

The purpose and intent of this measure is to request the counties to study how inclusionary zoning impacts housing supply.

Your Committees received testimony in support of this measure from the Building Industry Association Hawaii.

Your Committees find that inclusionary zoning is a housing policy that requires a certain percentage of units in new residential developments to be priced as "affordable housing" for buyers with low to moderate income levels. This policy gained traction in the 1970s and today is an increasingly popular method of producing affordable homes through the private market. Despite the increase in popularity over the years, questions remain over the effectiveness of inclusionary zoning policies. A 2016 study by the Terner Center for Housing Innovation at the University of California, Berkley, estimated that a new inclusionary zoning policy in the city of Oakland, California, would lead to a six to twelve percent reduction in total housing unit production than if the zoning policy did not exist. Furthermore, the same study estimated that the inclusionary zoning policy would reduce government revenue from taxes and fees by between six to nineteen percent. Due to Hawaii's continuing housing crisis and the urgent need for more housing units throughout the State, it is vitally important to understand the impacts of inclusionary zoning policies on the housing market. This measure requests the counties to study inclusionary zoning and its effects on housing supply in the State.

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 concur with the intent and purpose of S.C.R. No. 2 and recommend its adoption.

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 (English, Fevella).

SCRep. 1416 (Joint) Housing and Public Safety, Intergovernmental, and Military Affairs on S.R. No. 3

The purpose and intent of this measure is to request the counties to study how inclusionary zoning impacts housing supply.

Your Committees received testimony in support of this measure from the Building Industry Association Hawaii.

Your Committees find that inclusionary zoning is a housing policy that requires a certain percentage of units in new residential developments to be priced as "affordable housing" for buyers with low to moderate income levels. This policy gained traction in the 1970s and today is an increasingly popular method of producing affordable homes through the private market. Despite the increase in popularity over the years, questions remain over the effectiveness of inclusionary zoning policies. A 2016 study by the Terner Center for Housing Innovation at the University of California, Berkley, estimated that a new inclusionary zoning policy in the city of Oakland, California, would lead to a six to twelve percent reduction in total housing unit production than if the zoning policy did not exist. Furthermore, the same study estimated that the inclusionary zoning policy would reduce government revenue from taxes and fees by between six to nineteen percent. Due to Hawaii's continuing housing crisis and the urgent need for more housing units throughout the State, it is vitally important to understand the impacts of inclusionary zoning policies on the housing market. This measure requests the counties to study inclusionary zoning and its effects on housing supply in the State.

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 concur with the intent and purpose of S.R. No. 3 and recommend its adoption.

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 (English, Fevella).

SCRep. 1417 (Joint) Housing and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 3

The purpose and intent of this measure is to urge the counties to produce land use plans that account for housing production.

Your Committees received testimony in support of this measure from the Building Industry Association Hawaii and one individual.

Your Committees find that the State is suffering from a housing crisis. There is a dearth of housing units available across all price points, but the lack of housing units is especially dire in the affordable housing segment. A study by the Department of Business, Economic Development, and Tourism found that the State will need an additional fifty-seven thousand housing units by 2025 and there are currently no concrete plans by the State or the counties on how to provide these additional housing units. This measure urges the counties to produce land use plans that account for housing production to combat the ongoing housing crisis.

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 concur with the intent and purpose of S.C.R. No. 3 and recommend its adoption.

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 (English, Fevella).

SCRep. 1418 Energy, Economic Development, and Tourism on S.C.R. No. 204

The purpose and intent of this measure is to commend the Governor Ariyoshi Foundation for its sustained vision and leadership in supporting space research and exploration through the Hawaii Space Industry Innovation Program (HiSPACE) and endorsing this program's ongoing efforts to establish a Global Alliance for International Collaboration in Space (GALIX), headquartered in Hawaii, as a multinational coalition to both expand and diversify space ventures for all of humankind, thereby enhancing Hawaii's pioneering role on the frontiers of space.

Your Committee received testimony in support of this measure from Space Renaissance International; Lockheed Martin Commercial Launch Service; Hawaii Space Industry Innovation Program; ORBITBeyond, Inc.; and two individuals.

Your Committee finds that humanity is now embarking on a new era of space enterprise, with both public and private research and development institutions worldwide exploring innovative approaches to advance space science, exploration, and development. Your

Committee recognizes that a team of visionary space professionals, coordinated through the Governor Ariyoshi Foundation's HiSPACE Program is now exploring creative ways to engage with government agencies, scientific institutions, universities, commercial space ventures, and space organizations worldwide.

Your Committee further finds that it is important to support a GALIX initiative, which both inspires and promotes innovative approaches to space enterprise by exploring multiple opportunities to expand and diversify space education, training, and research and that its goals and objectives should continue to be developed by an international steering committee to explore and promote new types of cooperative space ventures as well as innovative organizational models and international alliances.

Your Committee also finds that to promote and realize the vision and full potential of GALIX, the State of Hawaii should explore ways to provide both administrative and funding support for a GALIX initiative in consultation with the HiSPACE Advisory Team and the Governor Ariyoshi Foundation.

Accordingly, your Committee has amended this measure by:

- (1) Adding language commending the Governor Ariyoshi Foundation for its sustained vision and leadership in supporting space research and exploration through HiSPACE and endorsing GALIX;
- (2) Amending its title in accordance with 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 Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 204, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 204, S.D. 1.

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

SCRep. 1419 Energy, Economic Development, and Tourism on S.R. No. 169

The purpose and intent of this measure is to commend the Governor Ariyoshi Foundation for its sustained vision and leadership in supporting space research and exploration through the Hawaii Space Industry Innovation Program (HiSPACE) and endorsing this program's ongoing efforts to establish a Global Alliance for International Collaboration in Space (GALIX), headquartered in Hawaii, as a multinational coalition to both expand and diversify space ventures for all of humankind, thereby enhancing Hawaii's pioneering role on the frontiers of space.

Your Committee received testimony in support of this measure from Space Renaissance International; Lockheed Martin Commercial Launch Service; Hawaii Space Industry Innovation Program; ORBITBeyond, Inc.; and two individuals.

Your Committee finds that humanity is now embarking on a new era of space enterprise, with both public and private research and development institutions worldwide exploring innovative approaches to advance space science, exploration, and development. Your Committee recognizes that a team of visionary space professionals, coordinated through the Governor Ariyoshi Foundation's HiSPACE Program is now exploring creative ways to engage with government agencies, scientific institutions, universities, commercial space ventures, and space organizations worldwide.

Your Committee further finds that it is important to support a GALIX initiative, which both inspires and promotes innovative approaches to space enterprise by exploring multiple opportunities to expand and diversify space education, training, and research and that its goals and objectives should continue to be developed by an international steering committee to explore and promote new types of cooperative space ventures as well as innovative organizational models and international alliances.

Your Committee also finds that to promote and realize the vision and full potential of GALIX, the State of Hawaii should explore ways to provide both administrative and funding support for a GALIX initiative in consultation with the HiSPACE Advisory Team and the Governor Ariyoshi Foundation.

Accordingly, your Committee has amended this measure by:

- (1) Adding language commending the Governor Ariyoshi Foundation for its sustained vision and leadership in supporting space research and exploration through HiSPACE and endorsing GALIX;
- (2) Amending its title in accordance with 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 Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 169, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 169, S.D. 1.

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

SCRep. 1420 Energy, Economic Development, and Tourism on S.C.R. No. 175

The purpose and intent of this measure is to request the Hawaii Tourism Authority to develop an implementation plan based on tourism hot spots identified in county destination management action plans.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority and one individual.

Your Committee finds that the current reduction in the number of visitors to Hawaii due to the coronavirus disease (COVID-19) pandemic, provides Hawaii with the opportunity to review and restructure tourism management practices that can be implemented as the tourism industry recovers.

Your Committee further finds that tourism "hot spots" include areas that attract visitors because of their popularity, resulting in overcrowding, congestion, degradation of resources, safety hazards, and a negative experience for residents and visitors. Your Committee believes that identifying these tourism "hot spots" will allow the Hawaii Tourism Authority to develop an implementation plan to assess resources needed to facilitate multi-year discussions between public, private and community stakeholders to address issues, including the responsibilities of each respective county and state agency, and recommend a timetable for implementation of the

Your Committee has amended this measure by:

- (1) Clarifying that the implementation plan should also explore potential areas for increasing revenue, including impact fees; 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 concurs with the intent and purpose of S.C.R. No. 175, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 175, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

Energy, Economic Development, and Tourism on S.R. No. 140

The purpose and intent of this measure is to request the Hawaii Tourism Authority to develop an implementation plan based on tourism hot spots identified in county destination management action plans.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority.

Your Committee finds that the current reduction in the number of visitors to Hawaii due to the coronavirus disease (COVID-19) pandemic, provides Hawaii with the opportunity to review and restructure tourism management practices that can be implemented as the tourism industry recovers.

Your Committee further finds that tourism "hot spots" include areas that attract visitors because of their popularity, resulting in overcrowding, congestion, degradation of resources, safety hazards, and a negative experience for residents and visitors. Your Committee believes that identifying these tourism "hot spots" will allow the Hawaii Tourism Authority to develop an implementation plan to assess resources needed to facilitate multi-year discussions between public, private and community stakeholders to address issues, including the responsibilities of each respective county and state agency, and recommend a timetable for implementation of the

Your Committee has amended this measure by:

- (1) Clarifying that the implementation plan should also explore potential areas for increasing revenue, including impact fees; 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 concurs with the intent and purpose of S.R. No. 140, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 140, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

Energy, Economic Development, and Tourism on S.C.R. No. 56

The purpose and intent of this measure is to support an economic transition that combats climate change and incorporates circular economy goals rooted in Aloha 'Āina principles. Specifically, this measure:

- (1) Requests that all state agencies, in pursuance of the circular economy principles, convene and participate in the Hawaii Circular Economy Task Force that supports Hawaii's transition toward a circular economy by 2035; and
- (2) Requests that recommendations made by the Hawaii Circular Economy Task Force achieve the following objectives:
 - (A) Consideration of circular economy values in decision-making;
 - (B) Incorporation of circular economy principles in future policy and regulatory actions;
 - (C) Restoration of 'āina and communities in a manner that elevates local self-sufficiency;
 - (D) Supporting efficient processing and reduction of waste streams across economic sectors to produce regenerative impacts on Hawaii's 'āina and resources; and
 - (E) Consideration of utilizing the 'Āina Aloha Economic Futures Assessment Tools for decision-making and allocations of resources unless inappropriate.

Your Committee received testimony in support of this measure from the Office of Planning, Environmental Caucus of the Democratic Party of Hawai'i, Waimea Hawaiian Civic Club, Kaua'i Climate Action Coalition, Kanaeokana Kula Hawai'i Network, Climate Protectors Hawai'i, and forty individuals.

Your Committee finds that Hawaii is a leader in climate change and renewable energy generation goals and has the potential to model an economy rooted in centuries of island-based values, such as sustainable practices, environmental health, and community well-being. With the adoption of circular energy goals, Hawaii is poised to become a global leader in the transition toward a circular economy grounded in indigenous values. Your Committee intends that this measure complement the efforts of the newly-established Statewide Sustainability Program.

Therefore, your Committee has amended this measure by:

- (1) Adding the State Sustainability Coordinator to the list of individuals to receive a certified copy of the measure; 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 concurs with the intent and purpose of S.C.R. No. 56, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 56, S.D. 1.

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

SCRep. 1423 Energy, Economic Development, and Tourism on S.R. No. 38

The purpose and intent of this measure is to support an economic transition that combats climate change and incorporates circular economy goals rooted in Aloha 'Āina principles. Specifically, this measure:

- Requests that all state agencies, in pursuance of the circular economy principles, convene and participate in the Hawaii Circular Economy Task Force that supports Hawaii's transition toward a circular economy by 2035; and
- (2) Requests that recommendations made by the Hawaii Circular Economy Task Force achieve the following objectives:
 - (A) Consideration of circular economy values in decision-making;
 - (B) Incorporation of circular economy principles in future policy and regulatory actions;
 - (C) Restoration of 'āina and communities in a manner that elevates local self-sufficiency;
 - (D) Supporting efficient processing and reduction of waste streams across economic sectors to produce regenerative impacts on Hawaii's 'āina and resources; and
 - (E) Consideration of utilizing the 'Āina Aloha Economic Futures Assessment Tools for decision-making and allocations of resources unless inappropriate.

Your Committee received testimony in support of this measure from the Office of Planning, Environmental Caucus of the Democratic Party of Hawai'i, Waimea Hawaiian Civic Club, Kaua'i Climate Action Coalition, Kanaeokana Kula Hawai'i Network, Foresight/Policy Analysis, Climate Protectors Hawai'i, and eighteen individuals.

Your Committee finds that Hawaii is a leader in climate change and renewable energy generation goals and has the potential to model an economy rooted in centuries of island-based values, such as sustainable practices, environmental health, and community well-being. With the adoption of circular energy goals, Hawaii is poised to become a global leader in the transition toward a circular economy grounded in indigenous values. Your Committee intends that this measure complement the efforts of the newly-established Statewide Sustainability Program.

Therefore, your Committee has amended this measure by:

- (1) Adding the State Sustainability Coordinator to the list of individuals to receive a certified copy of the measure; 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 concurs with the intent and purpose of S.R. No. 38, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 38, S.D. 1.

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

SCRep. 1424 Energy, Economic Development, and Tourism on S.C.R. No. 205

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism to compile a short list of Fortune 500 Companies that are suitable to relocate to Hawaii and identify means and incentives to entice these companies to relocate.

Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the effects of the coronavirus disease 2019 (COVID-19) pandemic and relating job losses in the tourism sector of the economy have demonstrated the urgent need for business diversification in the State. Your Committee further finds that given the advances in technology and the way business is conducted in the modern age, there are more reasons for companies to relocate to Hawaii than ever before and the State should explore all possible incentives to lure well-paying jobs and investment to Hawaii. These efforts may provide pathways to the business diversification that Hawaii sorely needs.

Your Committee has amended this measure by requesting that the Director of the Department of Business, Economic Development, and Tourism submit a report, which includes a list of the Fortune 500 companies identified as suitable to relocate to the State, along with any other findings, recommendations, and any proposed legislation 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 Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 205, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 205, S.D. 1.

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

SCRep. 1425 Energy, Economic Development, and Tourism on S.R. No. 170

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism to compile a short list of Fortune 500 Companies that are suitable to relocate to Hawaii and identify means and incentives to entice these companies to relocate.

Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the effects of the coronavirus disease 2019 (COVID-19) pandemic and relating job losses in the tourism sector of the economy have demonstrated the urgent need for business diversification in the State. Your Committee further finds that given the advances in technology and the way business is conducted in the modern age, there are more reasons for companies to relocate to Hawaii than ever before and the State should explore all possible incentives to lure well-paying jobs and investment to Hawaii. These efforts may provide pathways to the business diversification that Hawaii sorely needs.

Your Committee has amended this measure by requesting that the Director of the Department of Business, Economic Development, and Tourism submit a report, which includes a list of the Fortune 500 companies identified as suitable to relocate to the State, along with any other findings, recommendations, and any proposed legislation 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 Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 170, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 170, S.D. 1.

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

SCRep. 1426 Transportation on S.C.R. No. 262

The purpose and intent of this measure is to request the Department of Transportation to review, revise, and update plans for the Daniel K. Inouye International Airport.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual. Your Committee received comments on this measure from the Hawaii State Energy Office.

Your Committee finds that the Daniel K. Inouye International Airport (HNL) is Hawaii's busiest airport. Unfortunately, over the years HNL has been periodically redesigned or renovated in piecemeal manner and without the benefit of an overarching master plan. This has resulted in a patchwork of different architectural styles, functional designs, and an overall layout that is unintuitive, inefficient, and doesn't best reflect a gateway to Hawaii. These problems are evidenced by the J.D. Power 2019 North America Airport Satisfaction Study ranking HNL as the second worst large airport in North America for customer satisfaction.

Your Committee also finds that the coronavirus disease 2019 (COVID 19) pandemic and resulting reduction in air travel has caused airports around the globe to pause and rethink how airports can optimally function with the prospect of future pandemics or other events that may cause a diminution of air travel. This measure requests the Department of Transportation to take this opportunity to review, revise, and update the plans for HNL so that it can be a better experience for residents and visitors as well as position HNL to handle catastrophic events in the future.

Your Committee has amended this measure by:

- (1) Correcting the name of the Daniel K. Inouye International Airport;
- (2) Adding updated passenger counts for 2020;
- (3) Inserting consideration for additional revenue generation from entertainment and other innovative experiences;
- (4) Acknowledging that other major airports are similarly rethinking their future plans in light of the COVID-19 pandemic; 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 Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 262, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 262, S.D. 1.

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

SCRep. 1427 Transportation on S.R. No. 221

The purpose and intent of this measure is to request the Department of Transportation to review, revise, and update plans for the Daniel K. Inouye International Airport.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual. Your Committee received comments on this measure from the Hawaii State Energy Office.

Your Committee finds that the Daniel K. Inouye International Airport (HNL) is Hawaii's busiest airport. Unfortunately, over the years HNL has been periodically redesigned or renovated in piecemeal manner and without the benefit of an overarching master plan. This has resulted in a patchwork of different architectural styles, functional designs, and an overall layout that is unintuitive, inefficient, and doesn't best reflect a gateway to Hawaii. These problems are evidenced by the J.D. Power 2019 North America Airport Satisfaction Study ranking HNL as the second worst large airport in North America for customer satisfaction.

Your Committee also finds that the coronavirus disease 2019 (COVID 19) pandemic and resulting reduction in air travel has caused airports around the globe to pause and rethink how airports can optimally function with the prospect of future pandemics or other events that may cause a diminution of air travel. This measure requests the Department of Transportation to take this opportunity to review, revise, and update the plans for HNL so that it can be a better experience for residents and visitors as well as position HNL to handle catastrophic events in the future.

Your Committee has amended this measure by:

- (1) Correcting the name of the Daniel K. Inouye International Airport;
- (2) Adding updated passenger counts for 2020;
- (3) Inserting consideration for additional revenue generation from entertainment and other innovative experiences;
- (4) Acknowledging that other major airports are similarly rethinking their future plans in light of the COVID-19 pandemic; 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 Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 221, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 221, S.D. 1.

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

SCRep. 1428 Transportation on S.C.R. No. 235

The purpose and intent of this measure is to request the Department of Transportation (DOT) to:

- (1) Evaluate traffic congestion on Kuakini Highway and Queen Kaahumanu Road on Hawaii Island; and
- (2) Conduct a feasibility study regarding traffic reduction by widening those highways or by other alternative means.

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

Your Committee finds that the island of Hawaii has experienced a growth in population and accompanying increases in traffic congestion. The DOT has acknowledged this problem along certain segments of road and looked into widening the roads in North Kona to alleviate the traffic congestion. Unfortunately, the DOT found that it would require more than \$150,000,000 to complete the project, an amount that renders the project infeasible. However, the traffic issues still remain and something must be done. This measure encourages the DOT to conduct a feasibility study regarding traffic reduction through either lane repainting to narrow the lanes or through other alternative means.

Your Committee also notes that flooding along certain portions of Hawaii Belt Road (Mamalohoa Highway) and Meleana Place on the island of Hawaii are prone to flooding after completion of a highway improvement project in 1997. This flooding creates hazardous conditions for drivers and significant property damage for residents whose properties abut the flooded areas. Your Committee acknowledges that the portions of highway in question are currently under private ownership and as such the DOT does not have jurisdiction to make any repairs or improvements at this time. However, given the impact of this flooding on residents your Committee feels the issue is ripe for discussion so that, should the area in question come under state control in the future, the DOT will be well-positioned to respond.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language from S.C.R. No. 51, Regular Session 2021, regarding flooding along certain portions of the Hawaii Belt Road (Mamalahoa Highway) and Meleana Place on the island of Hawaii and requesting the DOT to conduct a study and prepare a plan to remediate the flooding issues at the appropriate time;
- (2) Requesting the DOT to consider narrowing the lanes to a uniform width of ten feet in acknowledgement of the testimony from the DOT that the lane width along Kuakini Highway and Queen Kaahumanu Highway between Henry Street and Kamehameha III Road on the island of Hawaii island is not currently a uniform fourteen feet in width as previously understood but instead varies between twelve and a half feet and ten feet;
- (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 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. 235, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 235, S.D. 1.

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

SCRep. 1429 Transportation on S.R. No. 195

The purpose and intent of this measure is to request the Department of Transportation (DOT) to:

- (1) Evaluate traffic congestion on Kuakini Highway and Queen Kaahumanu Road on Hawaii Island; and
- (2) Conduct a feasibility study regarding traffic reduction by widening those highways or by other alternative means.

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

Your Committee finds that the island of Hawaii has experienced a growth in population and accompanying increases in traffic congestion. The DOT has acknowledged this problem along certain segments of road and looked into widening the roads in North Kona to alleviate the traffic congestion. Unfortunately, the DOT found that it would require more than \$150,000,000 to complete the project, an amount that renders the project infeasible. However, the traffic issues still remain and something must be done. This measure encourages the DOT to conduct a feasibility study regarding traffic reduction through either lane repainting to narrow the lanes or through other alternative means.

Your Committee also notes that flooding along certain portions of Hawaii Belt Road (Mamalohoa Highway) and Meleana Place on the island of Hawaii are prone to flooding after completion of a highway improvement project in 1997. This flooding creates hazardous conditions for drivers and significant property damage for residents whose properties abut the flooded areas. Your Committee acknowledges that the portions of highway in question are currently under private ownership and as such the DOT does not have jurisdiction to make any repairs or improvements at this time. However, given the impact of this flooding on residents your Committee feels the issue is ripe for discussion so that, should the area in question come under state control in the future, the DOT will be well-positioned to respond.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language from S.C.R. No. 51, Regular Session 2021, regarding flooding along certain portions of the Hawaii Belt Road (Mamalahoa Highway) and Meleana Place on the island of Hawaii and requesting the DOT to conduct a study and prepare a plan to remediate the flooding issues at the appropriate time;
- (2) Requesting the DOT to consider narrowing the lanes to a uniform width of ten feet in acknowledgement of the testimony from the DOT that the lane width along Kuakini Highway and Queen Kaahumanu Highway between Henry Street and Kamehameha III Road on the island of Hawaii island is not currently a uniform fourteen feet in width as previously understood but instead varies between twelve and a half feet and ten feet;
- (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 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. 195, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 195, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1430 Transportation on S.C.R. No. 173

The purpose and intent of this measure is to request the Department of Transportation to initiate three innovative pilot projects of meaningful scale to modernize transportation infrastructure in undeserved communities.

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

Your Committee finds that the State should move away from auto-centric transportation policies and instead should modernize ground transportation infrastructure by incorporating safer, protected walking and biking infrastructure. This measure will help residents reduce the cost of living, improve their quality of life, and stimulate the economy by encouraging the Department of Transportation and the county partner agencies to execute three new innovative pilot projects of meaningful scale that will improve ground transportation infrastructure.

Your Committee has amended this measure by:

- (1) Adding language referencing federal infrastructure priorities and support;
- (2) Requesting that county departments of transportation participate with the state Department of Transportation to prioritize and execute three pilot ground transportation projects; 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 concurs with the intent and purpose of S.C.R. No. 173, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 173, S.D. 1.

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

SCRep. 1431 Transportation on S.R. No. 138

The purpose and intent of this measure is to request the Department of Transportation to initiate three innovative pilot projects of meaningful scale to modernize transportation infrastructure in undeserved communities.

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

Your Committee finds that the State should move away from auto-centric transportation policies and instead should modernize ground transportation infrastructure by incorporating safer, protected walking and biking infrastructure. This measure will help residents reduce the cost of living, improve their quality of life, and stimulate the economy by encouraging the Department of Transportation and the county partner agencies to execute three new innovative pilot projects of meaningful scale that will improve ground transportation infrastructure.

Your Committee has amended this measure by:

- (1) Adding language referencing federal infrastructure priorities and support;
- (2) Requesting that county departments of transportation participate with the state Department of Transportation to prioritize and execute three pilot ground transportation projects; 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 concurs with the intent and purpose of S.R. No. 138, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 138, S.D. 1.

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

SCRep. 1432 (Joint) Health and Judiciary on S.C.R. No. 191

The purpose and intent of this measure is to urge the United States Department of Health and Human Services to amend its policies relating to postpartum sterilization waiting periods for Medicaid recipients.

Your Committees received testimony in support of this measure from the American College of Obstetricians and Gynecologists and eight individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that postpartum sterilization, a form of contraception for women in which a doctor cuts and closes or completely removes the fallopian tubes shortly after a woman gives birth, is the most used form of contraception in the United States. For Medicaid recipients, federal regulations require a thirty-day waiting period between consent to postpartum sterilization and surgery and failure to comply with the waiting period can result in reimbursement denial for delivery and postpartum care. By contrast, privately insured individuals are not generally subject to a thirty-day waiting period between consent and surgery, creating a two-tiered system of access that restricts reproductive autonomy to those who can afford it. Your Committees find that regulations that place an additional undue burden on patients and families who already face systemic disadvantage and poor health outcomes, particularly low-income people and people of color, should be abolished or revised to ensure fair and equitable access to all reproductive health services.

As affirmed by the records of votes of the members of your Committees on Health and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 191 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Baker, Moriwaki).

Judiciary: Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1433 Health on S.C.R. No. 53

The purpose and intent of this measure is to request the Hawaii Health Systems Corporation to convene a task force to conduct a feasibility study for the construction of a hospital in North Kona.

Your Committee received testimony in support of this measure from the Hawaii Health Systems Corporation, Kona-Kohala Chamber of Commerce, Association of Hawaiian Civic Clubs – Hawai'i Council, Kohala Coast Resort Association, County of Hawai'i Office of the Mayor, and seventeen individuals.

Your Committee finds that the population of North Kona on the island of Hawaii has significantly increased over the years, which has corresponded with a steady increase in the need for convenient access to medical services. Your Committee further finds that the residents of North Kona would greatly benefit from the addition of a hospital in their community. This measure requests the Hawaii Health Systems Corporation to convene a task force to conduct a feasibility study for construction of a hospital in North Kona.

Your Committee recognizes the testimony of the Hawaii Health Systems Corporation, which recommended that the task force also conduct a health care needs assessment of the West Hawaii region to contextualize the need for a new hospital and to add a representative of Queen's North Hawaii Community Hospital to the task force.

As such, your Committee has amended this measure by:

- (1) Requesting the task force to also conduct a health care needs assessment of the West Hawaii region;
- (2) Adding a representative of Queen's North Hawaii Community Hospital to the task force;

- (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 record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 53, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 53, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1434 Health on S.R. No. 35

The purpose and intent of this measure is to request the Hawaii Health Systems Corporation to convene a task force to conduct a feasibility study for the construction of a hospital in North Kona.

Your Committee received testimony in support of this measure from the Kona-Kohala Chamber of Commerce, Association of Hawaiian Civic Clubs – Hawaii'i Council, Kohala Coast Resort Association, Hawaii Island Economic Development Board, Hawaii Leeward Planning Conference, and six individuals.

Your Committee finds that the population of North Kona on the island of Hawaii has significantly increased over the years, which has corresponded with a steady increase in the need for convenient access to medical services. Your Committee further finds that the residents of North Kona would greatly benefit from the addition of a hospital in their community. This measure requests the Hawaii Health Systems Corporation to convene a task force to conduct a feasibility study for construction of a hospital in North Kona.

Your Committee recognizes the testimony of the Hawaii Health Systems Corporation, which recommended that the task force also conduct a health care needs assessment of the West Hawaii region to contextualize the need for a new hospital and to add a representative of Queen's North Hawaii Community Hospital to the task force.

As such, your Committee has amended this measure by:

- (1) Requesting the task force to also conduct a health care needs assessment of the West Hawaii region;
- (2) Adding a representative of Queen's North Hawaii Community Hospital to the task force;
- (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 record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 35, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 35, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1435 Health on S.C.R. No. 33

The purpose and intent of this measure is to request that the Office of Primary Care and Rural Health facilitate discussions with key community health and social service organizations in west Hawaii and major health care stakeholders in Senate District 3 to address the health and wellness needs of the most vulnerable communities by aligning the goals and objectives of key organizations into a 2030 One Shared Health Vision Plan.

Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the purpose of the "One Shared Vision" plan is to improve public health by strengthening collaboration and communication among all sectors of the health care community. Your Committee also finds that establishing a strong health network based in west Hawaii in accordance with the One Shared Vision plan would allow the region to serve as a model for the State.

As affirmed by the record of votes of the members of your Committee on Health 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 (Moriwaki).

SCRep. 1436 Health on S.R. No. 22

The purpose and intent of this measure is to request that the Office of Primary Care and Rural Health facilitate discussions with key community health and social service organizations in west Hawaii and major health care stakeholders in Senate District 3 to address the health and wellness needs of the most vulnerable communities by aligning the goals and objectives of key organizations into a 2030 One Shared Health Vision Plan.

Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the purpose of the "One Shared Vision" plan is to improve public health by strengthening collaboration and communication among all sectors of the health care community. Your Committee also finds that establishing a strong health network based in west Hawaii in accordance with the One Shared Vision plan would allow the region to serve as a model for the State.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 22 and recommends its adoption.

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

SCRep. 1437 Agriculture and Environment on S.C.R. No. 135

The purpose and intent of this measure is to request that the year 2022 be designated as the Year of Limu.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Land and Natural Resources, Kuaʻāina Ulu ʻAuamo, Malama Pupukea-Waimea, Kanaeokana, Papa Ola Lōkahi, Native Hawaiian Education Council, Boys & Girls Club of Hawaii, Council for Native Hawaiian Advancement, Kamehameha Schools, Iolani Palace, The Queen's Health Systems, Partners in Development Foundation, The Kawaihapai Ohana, and three individuals.

Your Committee finds that limu is found throughout the Hawaiian islands and forms a critical cultural and ecological piece of Hawaii's oceanscape. Limu serves as the primary food and shelter for herbivorous fish and is the foundation of the food chain, helps to filter runoff, and provides necessary protection and food for juvenile fish. Some limu also have high medicinal and ceremonial value. Currently, as the climate crisis looms ahead, non-native algae proliferate, and urbanization pressures increase, pollution and diversion of upland stream flows, the degradation of reefs, and changes to the hydrology and degradation in sand movement have compromised conditions of limu gathering. The loss of native limu runs parallel with the loss of Hawaiian cultural practices and loss of ancestral knowledge; limu knowledge and practices are still maintained, primarily in rural areas of the State, but the scarcity of this once-abundant resource has made it difficult for practitioners to pass on their knowledge.

Your Committee finds that despite these obstacles to growing limu, there are several limu restoration projects throughout the State to preserve limu cultivation knowledge, reestablish limu abundance, and grow a network of limu practitioners. Designating the "Year of Limu" would uplift the work and passion of the cultural practitioners who have worked tirelessly to revitalize limu and provide opportunities to increase awareness and education of Hawaii's residents of the environmental and cultural significance of limu.

Your Committee has amended this measure by:

- Recognizing the achievements of kupuna whose academic and community efforts to revitalize limu practice perpetuated the deeper socio-cultural tie that bind limu to the State;
- (2) Acknowledging community efforts, like those of the Limu Hui of the Kua'āina Ulu 'Auamo (KUA) and the Waimanalo Limu Hui, for their ongoing efforts in propagating limu species;
- (3) Adding the Chairperson of the Board of Land and Natural Resources, Chairperson of the Board of Directors of KUA, and Limu Hui Coordinator for KUA as recipients for the certified copies of the resolution; 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 concurs with the intent and purpose of S.C.R. No. 135, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 135, S.D. 1.

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

SCRep. 1438 (Joint) Agriculture and Environment and Water and Land on S.C.R. No. 52

The purpose and intent of this measure is to request the Hawaii Climate Change Mitigation and Adaptation Commission and the County of Hawaii to collaborate to identify sea level rise at Kahaluu Bay and jointly pursue a master plan to relocate the pavilion at Kahaluu Bay, Hawaii.

Your Committees received testimony in support of this measure from the County of Hawaii – Office of the Mayor and The Kohala

Your Committees find that Kahaluu Bay is a historic and traditional cultural gathering site for native Hawaiians and is a prime source of fishing, gathering, and surfing. The current pavilion at Kahaluu Bay is perceived as the focal gathering point of the Kahaluu Beach Park. However, Kahaluu Bay is in the potential area of chronic flooding with five feet of sea level rise in Kailua-Kona. In 2008, the Kahaluu Beach Park Conceptual Master Plan recommended the relocation of the pavilion back from the shoreline to protect the structure from damage that may occur from sea level rise and storm surges. Additionally, the terrestrial areas and park facilities are eroding from storm surges and sea level rise, while the marine life is threatened by human interaction through trampling, sunscreen exposure, runoff, overfishing and waste disposal, as well as by ocean acidification, ocean heating, and other climate change effects.

Currently, the Kahaluu Bay Education Center, a program of The Kohala Center, is working in collaboration with Hawaii County and Sea Engineering LLC to undertake a coastal assessment and hazards analysis of Kahaluu Bay that considers how ocean trends will affect the nearshore environment in the face of climate change, which will further provide a basis for a community-informed master plan for terrestrial restoration and park development can be examined. Therefore, your Committees find that it is necessary to relocate the pavilion to avoid further deterioration from sea level rise and storm surges.

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 Agriculture and Environment and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 52, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 52, S.D. 1.

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. 1439 (Joint) Agriculture and Environment and Water and Land on S.R. No. 34

The purpose and intent of this measure is to request the Hawaii Climate Change Mitigation and Adaptation Commission and the County of Hawaii to collaborate to identify sea level rise at Kahaluu Bay and jointly pursue a master plan to relocate the pavilion at Kahaluu Bay, Hawaii.

Your Committees received testimony in support of this measure from the County of Hawaii - Office of the Mayor, The Kohala Center, and one individual.

Your Committees find that Kahaluu Bay is a historic and traditional cultural gathering site for native Hawaiians and is a prime source of fishing, gathering, and surfing. The current pavilion at Kahaluu Bay is perceived as the focal gathering point of the Kahaluu Beach Park. However, Kahaluu Bay is in the potential area of chronic flooding with five feet of sea level rise in Kailua-Kona. In 2008, the Kahaluu Beach Park Conceptual Master Plan recommended the relocation of the pavilion back from the shoreline to protect the structure from damage that may occur from sea level rise and storm surges. Additionally, the terrestrial areas and park facilities are eroding from storm surges and sea level rise, while the marine life is threatened by human interaction through trampling, sunscreen exposure, runoff, overfishing and waste disposal, as well as by ocean acidification, ocean heating, and other climate change effects.

Currently, the Kahaluu Bay Education Center, a program of The Kohala Center, is working in collaboration with Hawaii County and Sea Engineering LLC to undertake a coastal assessment and hazards analysis of Kahaluu Bay that considers how ocean trends will affect the nearshore environment in the face of climate change, which will further provide a basis for a community-informed master plan for terrestrial restoration and park development can be examined. Therefore, your Committees find that it is necessary to relocate the pavilion to avoid further deterioration from sea level rise and storm surges.

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 Agriculture and Environment and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 34, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 34, S.D. 1.

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. 1440 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 120

The purpose and intent of this measure is to urge the Department of Transportation and county police departments to expand a statewide public awareness campaign about the State's "move over law."

Your Committees received testimony in support of this measure from the Department of Transportation and one individual.

Your Committees find that the State's "move over law" requires that drivers slow down to a reasonable speed and, if necessary, move over into an adjacent lane upon approaching an emergency vehicle that is stopped for an emergency. Despite this requirement in statute, your Committees find that many Hawaii drivers do not follow the law. This has resulted in close calls, injuries, and even fatalities to tow truck drivers, emergency personnel, and police officers who have stopped to assist drivers in need on the roadways of the State. Expanding public awareness of the "move over law" would protect those emergency responders who are assisting other drivers. Therefore, your Committees find it appropriate to urge the Department of Transportation, as well as other departments and agencies, to promote an awareness campaign of the "move over law."

Your Committees have amended this measure by:

- (1) Adding the Governor and the Department of Health to the list of entities that should collaborate with the Department of Transportation to develop an expanded public awareness campaign;
- (2) Amending its title in accordance with 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 Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 120, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 120, S.D. 1.

Signed by the Chairs on behalf of the Committees.

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

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1441 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.R. No. 94

The purpose and intent of this measure is to urge the Department of Transportation and county police departments to expand a statewide public awareness campaign about the State's "move over law."

Your Committees received testimony in support of this measure from the Department of Transportation and Pinky Tows Hawaii, Inc.

Your Committees find that the State's "move over law" requires that drivers slow down to a reasonable speed and, if necessary, move over into an adjacent lane upon approaching an emergency vehicle that is stopped for an emergency. Despite this requirement in statute, your Committees find that many Hawaii drivers do not follow the law. This has resulted in close calls, injuries, and even fatalities to tow truck drivers, emergency personnel, and police officers who have stopped to assist drivers in need on the roadways of the State. Expanding public awareness of the "move over law" would protect those emergency responders who are assisting other drivers. Therefore, your Committees find it appropriate to urge the Department of Transportation, as well as other departments and agencies, to promote an awareness campaign of the "move over law."

Your Committees have amended this measure by:

- (1) Adding the Governor and the Department of Health to the list of entities that should collaborate with the Department of Transportation to develop an expanded public awareness campaign;
- (2) Amending its title in accordance with 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 Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 94, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 94, S.D. 1.

Signed by the Chairs on behalf of the Committees.

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

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1442 (Joint) Transportation and Energy, Economic Development, and Tourism on S.C.R. No. 263

The purpose and intent of this measure is to convene a public racing facility working group to locate and establish a public racing facility on Oahu.

Your Committees received testimony in support of this measure from the Department of Transportation and Oahu Motorsports Association. Your Committees received testimony in opposition to this measure from Climate Protectors Hawaii and one individual.

Your Committees find that automobile racing has a long and established history in Hawaii. When the last public racing facility on Oahu closed in 2006, many people took to illegally racing on public streets which is a threat to the safety and well-being of the residents of Oahu. Currently, Oahu is the only county without public racing facilities. Besides being used for public enjoyment, public racing facilities can be used for driver education and a valuable training area for law enforcement personnel. Your Committees believe that it is in the public interest to re-establish public racing facilities on Oahu.

Your Committees have amended this measure by:

- (1) Removing the Chairperson of the House Committee on Transportation from the working group and replacing them with a member of the House of Representatives to be appointed by the Speaker of the House of Representatives;
- (2) Adding the Director of Parks and Recreation for the City and County of Honolulu to the working group; 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 Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 263, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 263, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 5. Noes, none. Excused, none.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

SCRep. 1443 (Joint) Transportation and Energy, Economic Development, and Tourism on S.R. No. 222

The purpose and intent of this measure is to convene a public racing facility working group to locate and establish a public racing facility on Oahu.

Your Committees did not receive any testimony on this measure.

Your Committees find that automobile racing has a long and established history in Hawaii. When the last public racing facility on Oahu closed in 2006, many people took to illegally racing on public streets which is a threat to the safety and well-being of the residents of Oahu. Currently, Oahu is the only county without public racing facilities. Besides being used for public enjoyment, public racing facilities can be used for driver education and a valuable training area for law enforcement personnel. Your Committees believe that it is in the public interest to re-establish public racing facilities on Oahu.

Your Committees have amended this measure by:

- Removing the Chairperson of the House Committee on Transportation from the working group and replacing them with a
 member of the House of Representatives to be appointed by the Speaker of the House of Representatives;
- (2) Adding the Director of Parks and Recreation for the City and County of Honolulu to the working group; 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 Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 222, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 222, S.D. 1.

Signed by the Chairs on behalf of the Committees. Transportation: Ayes, 5. Noes, none. Excused, none. Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

SCRep. 1444 Hawaiian Affairs on S.C.R. No. 185

The purpose and intent of this measure is to recognize the centennial celebration of the Hawaiian Homes Commission Act Of 1920, as amended.

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

Your Committee finds that the Hawaiian Homes Commission Act of 1920, as amended, was enacted to provide homestead lots for native Hawaiians, who following the Māhele of 1848, lost their parcels due to a myriad of reasons, including the lack of understanding of the imposed foreign legal and judicial system, introduction and expansion of large-scale ranching and plantation operations, the decline of taro cultivation due to the mass diversion of water for large-scale planting and ranching operations from large community-maintained traditional irrigation systems, the acquisition of parcels through adverse possession or quiet title actions, and the seizure of parcels as payments for debt and taxes. The Hawaiian Homes Commission Act sought to provide homesteading programs for native Hawaiians by placing approximately 203,500 acres of the 1,800,000 acres of former government and crown lands into the Hawaiian Home Lands Trust, in which the day-to-day management is vested in the Department of Hawaiian Home Lands headed by the Hawaiian Homes Commission. The Hawaiian Homes Commission administers the trust solely in the interest of beneficiaries and uses reasonable skill and care to make the trust property productive.

Your Committee further finds that the Hawaiian Homes Commission Act was signed on July 9, 1921, in which Congress sought to lay the foundation for a comprehensive program to resettle Hawaiians on land that could be farmed and ranched with adequate water and financial assistance to get them started. The Hawaiian Homes Commission Act also sought to increase native Hawaiian land ownership by making the land title inalienable. More specifically, Congress intended to provide homesteads and financial support to assist native Hawaiian beneficiaries, whose numbers were seriously declining due to complex sociological, economic, medical, and political factors. The Hawaiian Homes Commission Act presents a clear opportunity for the federal government, the State, and native Hawaiian beneficiaries to work toward increased self-determination and self-governance. Therefore, this measure seeks to recognize the centennial celebration of the Hawaiian Homes Commission Act.

Your Committee has amended this measure by:

- (1) Inserting provisions to urge the executive departments to review their policies related to the beneficiaries of the Hawaiian Homes Commission Act and prioritize housing of beneficiaries under the Hawaiian Homes Commission Act; 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 concurs with the intent and purpose of S.C.R. No. 185, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 185, S.D. 1.

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

SCRep. 1445 Hawaiian Affairs on S.R. No. 150

The purpose and intent of this measure is to recognize the centennial celebration of the Hawaiian Homes Commission Act Of 1920, as amended.

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

Your Committee finds that the Hawaiian Homes Commission Act of 1920, as amended, was enacted to provide homestead lots for native Hawaiians, who following the Māhele of 1848, lost their parcels due to a myriad of reasons, including the lack of understanding of the imposed foreign legal and judicial system, introduction and expansion of large-scale ranching and plantation operations, the decline of taro cultivation due to the mass diversion of water for large-scale planting and ranching operations from large community-maintained traditional irrigation systems, the acquisition of parcels through adverse possession or quiet title actions, and the seizure of parcels as payments for debt and taxes. The Hawaiian Homes Commission Act sought to provide homesteading programs for native Hawaiians by placing approximately 203,500 acres of the 1,800,000 acres of former government and crown lands into the Hawaiian Home Lands Trust, in which the day-to-day management is vested in the Department of Hawaiian Home Lands headed by the Hawaiian Homes Commission. The Hawaiian Homes Commission administers the trust solely in the interest of beneficiaries and uses reasonable skill and care to make the trust property productive.

Your Committee further finds that the Hawaiian Homes Commission Act was signed on July 9, 1921, in which Congress sought to lay the foundation for a comprehensive program to resettle Hawaiians on land that could be farmed and ranched with adequate water and financial assistance to get them started. The Hawaiian Homes Commission Act also sought to increase native Hawaiian land ownership by making the land title inalienable. More specifically, Congress intended to provide homesteads and financial support to assist native Hawaiian beneficiaries, whose numbers were seriously declining due to complex sociological, economic, medical, and political factors. The Hawaiian Homes Commission Act presents a clear opportunity for the federal government, the State, and native Hawaiian beneficiaries to work toward increased self-determination and self-governance. Therefore, this measure seeks to recognize the centennial celebration of the Hawaiian Homes Commission Act.

Your Committee has amended this measure by:

- (1) Inserting provisions to urge the executive departments to review their policies related to the beneficiaries of the Hawaiian Homes Commission Act and prioritize housing of beneficiaries under the Hawaiian Homes Commission Act; 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 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. Aves. 5. Noes, none. Excused, none.

SCRep. 1446 Hawaiian Affairs on S.C.R. No. 231

The purpose and intent of this measure is to request the Department of Hawaiian Home Lands to provide recommendations for the maintenance of South Point Access Road for motor vehicles and pedestrian traffic.

Your Committee received testimony in support of this measure from the Hawaii State Aha Moku of Ka'ū, Moku o Keawe. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that South Point (Ka Lae) is a special wahi pana of cultural and spiritual significance for the people of Kaʻū and Hawaiʻi Island that warrants immediate and special protection because of its iwi kūpuna, wahi pana, and unique natural resources. The Department of Hawaiian Home Lands maintains an access road in Ka Lae. Currently, unregulated access at Ka Lae has compromised the integrity of its iwi kupuna, wahi pana, traditional trails, and coastal ecosystems, resulting in miles of deep, wide, and extremely severe erosion scars. Many Kaʻū residents are frustrated with the lack of progress for the management of Ka Lae resources and the disregard for the natural and cultural sites of Ka Lae, thereby jeopardizing the preservation of the remaining unique ecosystems of the area to be preserved for future generations. The resource management issues that have arisen over the decades have stemmed from the lack of a consistent Department of Hawaiian Home Lands' management presence at Ka Lae due to insufficient funds, staffing levels, and resources to manage these lands at a higher level.

Your Committee also finds that in 2012 the Hawaiian Homes Commission adopted the Department of Hawaiian Home Lands Kaʻū Regional Plan, which identified the need for a management plan for coastal lands in Ka Lae. Of the fifteen projects identified in the Ka Lae Resource Management Plan, six projects were identified that need to be implemented immediately for future management plans to be successful, including managing vehicular access at Ka Lae (\$329,000-\$342,000 in annual operating costs); instituting a parking fee for Ka Lae; and planning, designing, and constructing a pedestrian path to Mahana Bay (annual operating costs of \$100,300). The South Point Resource Management Plan specifies that the coastal path will allow the public to access the area, but will only serve foot traffic, while the service road will provide access for emergency and maintenance vehicles only.

Therefore, your Committee supports the purpose and intent of this measure requesting that the Department of Hawaiian Home Lands be proactive in its effort to maintain the unpaved corridor between the end of the South Point Access Road and the boat ramp at Kaulana Bay and Māhana Bay to the Southernmost Point in the United States. In furtherance thereof, this measure requests the Department of Hawaiian Home Lands to provide recommendations, including necessary legislation in a report to the Legislature.

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 concurs with the intent and purpose of S.C.R. No. 231, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 231, S.D. 1.

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

SCRep. 1447 Hawaiian Affairs on S.R. No. 191

The purpose and intent of this measure is to request the Department of Hawaiian Home Lands to provide recommendations for the maintenance of South Point Access Road for motor vehicles and pedestrian traffic.

Your Committee received testimony in support of this measure from the Hawaii State Aha Moku of Kaʻū, Moku o Keawe. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that South Point (Ka Lae) is a special wahi pana of cultural and spiritual significance for the people of Kaʻū and Hawaiʻi Island that warrants immediate and special protection because of its iwi kūpuna, wahi pana, and unique natural resources. The Department of Hawaiian Home Lands maintains an access road in Ka Lae. Currently, unregulated access at Ka Lae has compromised the integrity of its iwi kupuna, wahi pana, traditional trails, and coastal ecosystems, resulting in miles of deep, wide, and extremely severe erosion scars. Many Kaʻū residents are frustrated with the lack of progress for the management of Ka Lae resources and the disregard for the natural and cultural sites of Ka Lae, thereby jeopardizing the preservation of the remaining unique ecosystems of the area to be preserved for future generations. The resource management issues that have arisen over the decades have stemmed from the lack of a consistent Department of Hawaiian Home Lands' management presence at Ka Lae due to insufficient funds, staffing levels, and resources to manage these lands at a higher level.

Your Committee also finds that in 2012 the Hawaiian Homes Commission adopted the Department of Hawaiian Home Lands Kaʻū Regional Plan, which identified the need for a management plan for coastal lands in Ka Lae. Of the fifteen projects identified in the Ka Lae Resource Management Plan, six projects were identified that need to be implemented immediately for future management plans to be successful, including managing vehicular access at Ka Lae (\$329,000-\$342,000 in annual operating costs); instituting a parking fee for Ka Lae; and planning, designing, and constructing a pedestrian path to Mahana Bay (annual operating costs of \$100,300). The

South Point Resource Management Plan specifies that the coastal path will allow the public to access the area, but will only serve foot traffic, while the service road will provide access for emergency and maintenance vehicles only.

Therefore, your Committee supports the purpose and intent of this measure requesting that the Department of Hawaiian Home Lands be proactive in its effort to maintain the unpaved corridor between the end of the South Point Access Road and the boat ramp at Kaulana Bay and Māhana Bay to the Southernmost Point in the United States. In furtherance thereof, this measure requests the Department of Hawaiian Home Lands to provide recommendations, including necessary legislation in a report to the Legislature.

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 concurs with the intent and purpose of S.R. No. 191, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 191, S.D. 1.

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

SCRep. 1448 (Joint) Hawaiian Affairs and Water and Land on S.C.R. No. 206

The purpose and intent of this measure is to request the William S. Richardson School of Law to establish the burial sites working group to examine the burial sites program under the Department of Land and Natural Resources' (DLNR) State Historic Preservation Division (SHPD).

Your Committees received testimony in support of this measure from Ka Lāhui Hawai'i Kōmike Kalai'āina, Huliaupa'a, and thirty-seven individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources, University of Hawai'i System, and two individuals.

Your Committees find that chapter 6E, Hawaii Revised Statutes, provides that the State must provide leadership in preserving historic and cultural property in the spirit of stewardship and trusteeship for future generations and conduct activities, plans, and programs in a manner consistent with the preservation and enhancement of historic and cultural property. SHPD is entrusted with protecting Hawaii's unique and cultural historic resources. The Island Burial Councils seek to augment current procedures relating to the proper care and protection of native Hawaiian burial sites found in the State by avoiding future disputes arising from the discovery of human skeletal remains, and providing additional protection for native Hawaiian burial sites of high preservation value.

For generations, native Hawaiians have cared for loved ones upon their passing by protecting iwi kūpuna. The relationship between the deceased and descendants is an ongoing connection, and when this connection is disrupted through disturbance, damages, or destruction of iwi kūpuna via development, vandalism, or other circumstances, there are direct spiritual implications to native Hawaiian descendants today.

Your Committees also find that historically, state audits of SHPD have revealed chronic leadership dysfunction, employee discord, a significant backlog of project reviews that has substantially undermined the historic preservation review process, particularly with respect to the protection of burial sites throughout the State; and refusal to comply with chapter 6E, Hawaii Revised Statutes, and chapter 13-300, Hawaii Administrative Rules, in fulfilling SHPD's public trust responsibilities to beneficiaries. Recently, the chairpersons of the Island Burial Councils alleged that systemic and chronic mismanagement by SHPD has effectively undermined their ability to provide protection and cultural care to unmarked Hawaiian burial sites. DLNR does not agree with these assertions. This mismanagement continues to undermine the ability of the councils to exercise their legally established authorities, rights, and responsibilities to the significant detriment of Hawaiian burial sites and cherished cultural properties.

Your Committees further find that DLNR disputes the claims of mismanagement and their testimony provides that:

- (1) The Hawaii, Maui/Lanai, and Oahu Burial Councils are supported by two Burial Sites Specialists each;
- The History and Culture Branch Chief is available by phone as necessary when no in attendance at Island Burial Council meetings;
- (3) All staff are properly trained in relevant Hawaii Revised Statutes and Hawaii Administrative Rules affecting proceedings;
- (4) SHPD and the Deputy Attorney Generals (DAGs) assigned to SHPD are working on training materials concerning Sunshine Law and ethics matters for presentation at the May or June 2021 Island Burial Council meetings;
- (5) DAGs assigned to the Island Burial Council meetings regularly provide support by phone when they cannot be physically in attendance at a meeting and provide guidance and advice on specific matters on which the Island Burial Councils need legal advice;
- (6) Every allegation of burial disturbance reported to SHPD is investigated by staff and allegations are forwarded to DLNR's Division of Conservation and Resources Enforcement (DOCARE) for investigation and DAGs; and
- (7) SHPD has a burial sites inventory, including all burials identified during archaeological inventories and surveys, identified by descendants, and those inadvertently discovered. SHPD does not have the resources to carry on an active survey to identify burial sites throughout the State and there is a cultural belief that burials should not be identified, thereby making it difficult to implement a systematic survey effort.

Your Committees believe that the burial sites working group may bring clarity to the issues surrounding the allegations of systemic and chronic mismanagement of the Island Burial Councils by SHPD and the lack of consistent and independent legal representation by the Office of the Attorney General. The working group is requested to solicit community input from the Society of Hawaiian Archaeology, cultural resource management firms, lineal and cultural descendants, including groups, such as Kia'i Kaua'ula, Mālama Kakanilua, Ka Lāhui Hawai'i whose members are actively involved in protecting iwi kūpuna, burial, and repatriation efforts.

Your Committees have amended this measure by:

- (1) Replacing the University of Hawaii William S. Richardson School of Law with the Office of Hawaiian Affairs as the convenor of the burial sites working group;
- (2) Including the University of Hawaii William S. Richardson School of Law as a member of the burial sites working group;
- (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 Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 206, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 206, 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, Riviere).

SCRep. 1449 (Joint) Hawaiian Affairs and Water and Land on S.R. No. 171

The purpose and intent of this measure is to request the William S. Richardson School of Law to establish the burial sites working group to examine the burial sites program under the Department of Land and Natural Resources' (DLNR) State Historic Preservation Division (SHPD).

Your Committees received testimony in support of this measure from Huliaupa'a and two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources, University of Hawai'i System, and one individual.

Your Committees find that chapter 6E, Hawaii Revised Statutes, provides that the State must provide leadership in preserving historic and cultural property in the spirit of stewardship and trusteeship for future generations and conduct activities, plans, and programs in a manner consistent with the preservation and enhancement of historic and cultural property. SHPD is entrusted with protecting Hawaii's unique and cultural historic resources. The Island Burial Councils seek to augment current procedures relating to the proper care and protection of native Hawaiian burial sites found in the State by avoiding future disputes arising from the discovery of human skeletal remains, and providing additional protection for native Hawaiian burial sites of high preservation value.

For generations, native Hawaiians have cared for loved ones upon their passing by protecting iwi kūpuna. The relationship between the deceased and descendants is an ongoing connection, and when this connection is disrupted through disturbance, damages, or destruction of iwi kūpuna via development, vandalism, or other circumstances, there are direct spiritual implications to native Hawaiian descendants today.

Your Committees also find that historically, state audits of SHPD have revealed chronic leadership dysfunction, employee discord, a significant backlog of project reviews that has substantially undermined the historic preservation review process, particularly with respect to the protection of burial sites throughout the State; and refusal to comply with chapter 6E, Hawaii Revised Statutes, and chapter 13-300, Hawaii Administrative Rules, in fulfilling SHPD's public trust responsibilities to beneficiaries. Recently, the chairpersons of the Island Burial Councils alleged that systemic and chronic mismanagement by SHPD has effectively undermined their ability to provide protection and cultural care to unmarked Hawaiian burial sites. DLNR does not agree with these assertions. This mismanagement continues to undermine the ability of the councils to exercise their legally established authorities, rights, and responsibilities to the significant detriment of Hawaiian burial sites and cherished cultural properties.

Your Committees further find that DLNR disputes the claims of mismanagement and their testimony provides that:

- (1) The Hawaii, Maui/Lanai, and Oahu Burial Councils are supported by two Burial Sites Specialists each;
- The History and Culture Branch Chief is available by phone as necessary when no in attendance at Island Burial Council meetings;
- (3) All staff are properly trained in relevant Hawaii Revised Statutes and Hawaii Administrative Rules affecting proceedings;
- (4) SHPD and the Deputy Attorney Generals (DAGs) assigned to SHPD are working on training materials concerning Sunshine Law and ethics matters for presentation at the May or June 2021 Island Burial Council meetings;
- (5) DAGs assigned to the Island Burial Council meetings regularly provide support by phone when they cannot be physically in attendance at a meeting and provide guidance and advice on specific matters on which the Island Burial Councils need legal advice:
- (6) Every allegation of burial disturbance reported to SHPD is investigated by staff and allegations are forwarded to DLNR's Division of Conservation and Resources Enforcement (DOCARE) for investigation and DAGs; and
- (7) SHPD has a burial sites inventory, including all burials identified during archaeological inventories and surveys, identified by descendants, and those inadvertently discovered. SHPD does not have the resources to carry on an active survey to identify burial sites throughout the State and there is a cultural belief that burials should not be identified, thereby making it difficult to implement a systematic survey effort.

Your Committees believe that the burial sites working group may bring clarity to the issues surrounding the allegations of systemic and chronic mismanagement of the Island Burial Councils by SHPD and the lack of consistent and independent legal representation by the Office of the Attorney General. The working group is requested to solicit community input from the Society of Hawaiian Archaeology, cultural resource management firms, lineal and cultural descendants, including groups, such as Kia'i Kaua'ula, Mālama Kakanilua, Ka Lāhui Hawai'i whose members are actively involved in protecting iwi kūpuna, burial, and repatriation efforts.

Your Committees have amended this measure by:

- (1) Replacing the University of Hawaii William S. Richardson School of Law with the Office of Hawaiian Affairs as the convenor of the burial sites working group;
- (2) Including the University of Hawaii William S. Richardson School of Law as a member of the burial sites working group;
- (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 Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 171, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 171, 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, Riviere).

SCRep. 1450 (Joint) Hawaiian Affairs and Judiciary on S.C.R. No. 165

The purpose and intent of this measure is to request the United States Congress to consent to the enactment of Act 80, Session Laws of Hawaii 2017 (Act 80).

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Hawaiian Civic Club of Laupāhoehoe, Waimea Hawaiian Civic Club, Association of Hawaiian Civic Clubs - Hawai'i Council, 'Ahahui Siwila 'o Ke Aloha 'Āina, and two individuals.

Your Committees find that the State has a fiduciary duty to ensure long-term tenancies to beneficiaries and successors of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended. Your Committees also acknowledge that the State has a fiduciary duty to support the rehabilitation of the Hawaiian people, by among other things, ensuring long-term tenancies to beneficiaries, transferees, and successors of beneficiaries under the Hawaiian Homes Commission Act, 1920, as amended. Further, as outlined in *Ahuna v. Department of Hawaiian Home Lands*, 64 Haw. 327, 640 P.2d 1161 (1982), the federal government set aside public lands to be considered Hawaiian home lands, to be utilized in the rehabilitation of native Hawaiians, thereby undertaking a trust obligation benefitting the aboriginal people, and the State of Hawaii assumed this fiduciary obligation upon being admitted to the union as a state.

In advocating for the Hawaiian Homes Commission Act, Prince Jonah Kūhiō Kalanianaole, the Territory of Hawaii's non-voting delegate to Congress, anticipated future interracial marriages of the Hawaiian people and originally advocated for a blood quantum requirement of one thirty-second to perpetuate native Hawaiian presence on the land. However, Prince Kūhiō settled for a fifty percent blood quantum requirement to get a homestead lease as a necessary concession to sugar and ranching interests. At the time of the creation of the Hawaiian Homes Commission Act, a one thirty-second blood quantum meant that anyone who had Hawaiian ancestry would qualify from the Hawaiian homesteading program.

Your Committees find that under existing federal guidelines, homestead leases can only be transferred to family members who are at least one quarter Hawaiian. Eligibility requirements as outlined in Act 80, Session Laws of Hawaii 2017, provide that the Hawaiian blood quantum requirement for successors will be lowered to one thirty-second. The issue of reducing the blood quantum for successorship is a recurring theme expressed by beneficiaries of the Hawaiian Homes Commission Act. Homestead organizations and individual beneficiaries expressed concerns that immediate family members of homestead lessees may not have the required one-quarter blood quantum due to interracial marriages and blended families who have produced descendants who are less than twenty-five percent Hawaiian to succeed homestead leases and face possible loss of a homestead lease that has been in the family for several generations. These disruptions create undue hardships of displacement and interfere with families' abilities to maintain that equity of their homes and business and sever the relationships that native Hawaiians have to their land. A reduction in blood quantum requirements for certain successors will lead to a reduction in "highest bid" and "leapfrog" homestead lease sales.

Your Committees further find that blood quantum makes it increasingly difficult to inherit land access. Reducing the blood quantum requirement for purposes of transfer or successorship will allow expanding opportunities to family members who have already invested time, talent, resources, commitment, and aloha for the land to continue the legacy initiated by their families and elders. While the relaxed requirements would apply only to leases that have already been awarded, these requirements will benefit those on the Department of Hawaiian Home Lands' waitlist by preventing leaseholders from selling their leases when there is no eligible successor in the family.

Your Committees also find that certain lands used for the purposes of the Admission Act should be used for the betterment of all persons of Hawaiian ancestry, regardless of blood quantum, so that the State may have more flexibility in providing services and benefit to the Hawaiian people. Further, this reform will encourage current lessees to maintain and invest in their residences, as the lessees anticipate that their descendants will be able to make use of the properties for many generations to follow. For example, elderly or retired homesteaders may not be able to financially qualify for home renovation loans or business loans because of their limited incomes. However, if they may transfer their homestead lease during their lifetime to a child or grandchild who can financially qualify for these loans, necessary homestead repairs or business investments can be made, and sound successorship planning can occur.

Your Committees note the concerns that reducing the minimum successorship blood quantum may decrease homestead waitlist applicants' opportunities to receive homestead awards when applicants themselves are required to be at least fifty percent native Hawaiian. While the longstanding need to address the homestead waitlist backlog is clear, rather than disrupt current homestead families' housing security and tenancy of lands held for generations, the waitlist backlog is best addressed by prioritizing the issuance of homestead awards that those on the waitlist can afford and ensuring the appropriate use and allocation of sufficient resources.

Your Committees also note that 43 C.F.R. Part 48.15 delineates the responsibilities of the Chairperson of the Hawaiian Homes Commission in submitting proposed amendments to the Secretary of the Interior. The Chairperson of the Hawaiian Homes Commission submitted these amendments to section 209 of the Hawaiian Homes Commission Act in compliance with these regulations. While the enactment of Act 80 has been recognized as a positive step toward permanently reducing the Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands, historical challenges remain; many descendants of lessees of Hawaiian home lands still do not qualify as successors due to their blood quantum. The urgency of this situation continues to escalate as time passes and as lessees and proposed successors who would qualify under the amendment reducing the Hawaiian blood quantum requirement await the introduction of legislation to approve the requirements as provided for in Act 80.

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 Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 165, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 165, S.D. 1.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Ihara). Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1451 (Joint) Hawaiian Affairs and Judiciary on S.R. No. 130

The purpose and intent of this measure is to request the United States Congress to consent to the enactment of Act 80, Session Laws of Hawaii 2017 (Act 80).

Your Committees received testimony in support of this measure from the Association of Hawaiian Civic Clubs - Hawai'i Council and one individual.

Your Committees find that the State has a fiduciary duty to ensure long-term tenancies to beneficiaries and successors of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended. Your Committees also acknowledge that the State has a fiduciary duty to support the rehabilitation of the Hawaiian people, by among other things, ensuring long-term tenancies to beneficiaries, transferees, and successors of beneficiaries under the Hawaiian Homes Commission Act, 1920, as amended. Further, as outlined in *Ahuna v. Department of Hawaiian Home Lands*, 64 Haw. 327, 640 P.2d 1161 (1982), the federal government set aside public lands to be considered Hawaiian home lands, to be utilized in the rehabilitation of native Hawaiians, thereby undertaking a trust obligation benefitting the aboriginal people, and the State of Hawaii assumed this fiduciary obligation upon being admitted to the union as a state

In advocating for the Hawaiian Homes Commission Act, Prince Jonah Kūhiō Kalanianaole, the Territory of Hawaii's non-voting delegate to Congress, anticipated future interracial marriages of the Hawaiian people and originally advocated for a blood quantum requirement of one thirty-second to perpetuate native Hawaiian presence on the land. However, Prince Kūhiō settled for a fifty percent blood quantum requirement to get a homestead lease as a necessary concession to sugar and ranching interests. At the time of the creation of the Hawaiian Homes Commission Act, a one thirty-second blood quantum meant that anyone who had Hawaiian ancestry would qualify from the Hawaiian homesteading program.

Your Committees find that under existing federal guidelines, homestead leases can only be transferred to family members who are at least one quarter Hawaiian. Eligibility requirements as outlined in Act 80, Session Laws of Hawaii 2017, provide that the Hawaiian blood quantum requirement for successors will be lowered to one thirty-second. The issue of reducing the blood quantum for successorship is a recurring theme expressed by beneficiaries of the Hawaiian Homes Commission Act. Homestead organizations and individual beneficiaries expressed concerns that immediate family members of homestead lessees may not have the required one-quarter blood quantum due to interracial marriages and blended families who have produced descendants who are less than twenty-five percent Hawaiian to succeed homestead leases and face possible loss of a homestead lease that has been in the family for several generations. These disruptions create undue hardships of displacement and interfere with families' abilities to maintain that equity of their homes and business and sever the relationships that native Hawaiians have to their land. A reduction in blood quantum requirements for certain successors will lead to a reduction in "highest bid" and "leapfrog" homestead lease sales.

Your Committees further find that blood quantum makes it increasingly difficult to inherit land access. Reducing the blood quantum requirement for purposes of transfer or successorship will allow expanding opportunities to family members who have already invested time, talent, resources, commitment, and aloha for the land to continue the legacy initiated by their families and elders. While the relaxed requirements would apply only to leases that have already been awarded, these requirements will benefit those on the Department of Hawaiian Home Lands' waitlist by preventing leaseholders from selling their leases when there is no eligible successor in the family.

Your Committees also find that certain lands used for the purposes of the Admission Act should be used for the betterment of all persons of Hawaiian ancestry, regardless of blood quantum, so that the State may have more flexibility in providing services and benefit to the Hawaiian people. Further, this reform will encourage current lessees to maintain and invest in their residences, as the lessees anticipate that their descendants will be able to make use of the properties for many generations to follow. For example, elderly or retired homesteaders may not be able to financially qualify for home renovation loans or business loans because of their limited incomes. However, if they may transfer their homestead lease during their lifetime to a child or grandchild who can financially qualify for these loans, necessary homestead repairs or business investments can be made, and sound successorship planning can occur.

Your Committees note the concerns that reducing the minimum successorship blood quantum may decrease homestead waitlist applicants' opportunities to receive homestead awards when applicants themselves are required to be at least fifty percent native Hawaiian. While the longstanding need to address the homestead waitlist backlog is clear, rather than disrupt current homestead families' housing security and tenancy of lands held for generations, the waitlist backlog is best addressed by prioritizing the issuance of homestead awards that those on the waitlist can afford and ensuring the appropriate use and allocation of sufficient resources.

Your Committees also note that 43 C.F.R. Part 48.15 delineates the responsibilities of the Chairperson of the Hawaiian Homes Commission in submitting proposed amendments to the Secretary of the Interior. The Chairperson of the Hawaiian Homes Commission submitted these amendments to section 209 of the Hawaiian Homes Commission Act in compliance with these regulations. While the enactment of Act 80 has been recognized as a positive step toward permanently reducing the Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands, historical challenges remain; many descendants of lessees of Hawaiian home lands still do not qualify as successors due to their blood quantum. The urgency of this situation continues to escalate as time passes and as lessees and proposed successors who would qualify under the amendment reducing the Hawaiian blood quantum requirement await the introduction of legislation to approve the requirements as provided for in Act 80.

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 Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 130, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 130, S.D. 1.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Ihara). Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1452 Judiciary on S.C.R. No. 66

The purpose and intent of this measure is to condemn and denounce all forms of anti-Asian sentiment and all acts of racism, xenophobia, intolerance, discrimination, hate crime, and hate speech against Asian Americans and Asian individuals in the United States.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission; Common Cause Hawai'i; Hawai'i Friends of Civil Rights; Community Alliance on Prisons; LGBT Caucus of the Democratic Party of Hawai'i; Democratic Party of Hawai'i; Education Caucus; Affirmative Action, Inclusion, and Diversity Committee of the O'ahu County Committee of the Democratic Party of Hawai'i; Planned Parenthood Votes Northwest and Hawai'i; Imua Alliance; Japanese American Citizens League Honolulu Chapter; Filipinos for Affirmative Action; Knights of Rizal-Aloha Chapter; and sixteen individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that, despite the undeniable history of persistent discrimination, violence, and hate crimes against Asians in the United States, racism against Asians is often considered nonexistent, insignificant, or justified. Your Committee further finds that since the outbreak of coronavirus disease 2019, anti-Asian sentiment has surged and random crimes and hate crimes against Asians skyrocketed, instigating violent attacks against individuals of not only Chinese, but also of Thai, Vietnamese, Filipino, Korean, Japanese, and other Asian origins. Your Committee additionally finds that the persistent discrimination, violence, and hate crimes against Asians in the United States are placing Asian individuals and their families, communities, and businesses at risk.

Your Committee has amended this measure by:

- (1) Inserting language describing recent anti-Asian sentiment and acts;
- (2) Requesting the Hawaii Civil Rights Commission to collect and analyze incidents based on anti-Asian sentiment that have occurred in Hawaii since March, 2020, and submit a report of findings and recommendations to the Legislature;
- (3) Providing for a certified copy to be sent to the Executive Director of the Hawaii Civil Rights Commission;
- (4) Making conforming amendments to the title; 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 concurs with the intent and purpose of S.C.R. No. 66, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 66, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Lee).

SCRep. 1453 Judiciary on S.R. No. 48

The purpose and intent of this measure is to condemn and denounce all forms of anti-Asian sentiment and all acts of racism, xenophobia, intolerance, discrimination, hate crime, and hate speech against Asian Americans and Asian individuals in the United States.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Imua Alliance, Democratic Party of Hawai'i Education Caucus, and four individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that, despite the undeniable history of persistent discrimination, violence, and hate crimes against Asians in the United States, racism against Asians is often considered nonexistent, insignificant, or justified. Your Committee further finds that since the outbreak of coronavirus disease 2019, anti-Asian sentiment has surged and random crimes and hate crimes against Asians skyrocketed, instigating violent attacks against individuals of not only Chinese, but also of Thai, Vietnamese, Filipino, Korean, Japanese, and other Asian origins. Your Committee additionally finds that the persistent discrimination, violence, and hate crimes against Asians in the United States are placing Asian individuals and their families, communities, and businesses at risk.

Your Committee has amended this measure by:

- (1) Inserting language describing recent anti-Asian sentiment and acts;
- (2) Requesting the Hawaii Civil Rights Commission to collect and analyze incidents based on anti-Asian sentiment that have occurred in Hawaii since March, 2020, and submit a report of findings and recommendations to the Legislature;
- (3) Providing for a certified copy to be sent to the Executive Director of the Hawaii Civil Rights Commission;
- (4) Making conforming amendments to the title; 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 concurs with the intent and purpose of S.R. No. 48, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 48, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1454 (Majority) Judiciary on S.C.R. No. 192

The purpose and intent of this measure is to request statewide implementation of the United Nations Universal Periodic Review Recommendations.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the United Nations (UN) established the Universal Periodic Review (UPR) in 2006 to review the human rights records of all one hundred ninety-three UN member states, with the goal of improving human rights. Your Committee further finds that every UN member state appears and actively participates in the UPR hosted by the UN Human Rights Council Working Group in Geneva twice a decade, with each review cycle lasting four and a half years, and that the United States appeared at the UPR 1020, 2014, and most recently in 2020. Your Committee additionally finds that Hawai'i has had civil society and community associations participate in all three UPR cycles, and was the first state to conduct a Voluntary Local Review at the UN, sharing local strategies regarding the UN's 17 Sustainable Development Goals through the Aloha+ Challenge. Your Committee also finds that continued participation with and implementation of UPR recommendations will continue to benefit 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 192, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 192, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1455 (Majority) Judiciary on S.R. No. 157

The purpose and intent of this measure is to request statewide implementation of the United Nations Universal Periodic Review Recommendations.

Your Committee received testimony in support of this measure from Americans for Democratic Action and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the United Nations (UN) established the Universal Periodic Review (UPR) in 2006 to review the human rights records of all one hundred ninety-three UN member states, with the goal of improving human rights. Your Committee further finds that every UN member state appears and actively participates in the UPR hosted by the UN Human Rights Council Working Group in Geneva twice a decade, with each review cycle lasting four and a half years, and that the United States appeared at the UPR in 2010, 2014, and most recently in 2020. Your Committee additionally finds that Hawai'i has had civil society and community associations participate in all three UPR cycles, and was the first state to conduct a Voluntary Local Review at the UN, sharing local strategies regarding the UN's 17 Sustainable Development Goals through the Aloha+ Challenge. Your Committee also finds that continued participation with and implementation of UPR recommendations will continue to benefit 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 157, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 157, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1456 Judiciary on S.C.R. No. 171

The purpose and intent of this measure is to urge all law enforcement officers and prosecuting attorneys in the State to vigorously enforce and prosecute offenses committed against essential workers while on the job.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i; State AFL-CIO; Pride at Work – Hawai'i; International Union of Painters and Allied Trades, District Council 50; UNITE HERE

Local 5; International Longshore and Warehouse Union Local 142; United Food and Commercial Workers Union 480; Hawaii Government Employees Association, AFSCME local 152, AFL-CIO and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that the outbreak of coronavirus disease 2019 has given rise to the public's reliance upon a multitude of workers for essential services, such as health care, grocery and food service, hospitality, airline travel, and ground transportation. Your Committee further finds that in the course of their employment, essential workers are required to have a high degree of face-to-face interaction with the public, relay to customers and other members of the public government-enacted emergency rules and orders, and frequently enforce those rules and orders. Your Committee additionally finds that essential workers are often harassed or confronted, sometimes physically, while trying to do their vital jobs by persons who do not wish to follow the emergency rules and orders. Therefore, it is imperative that law enforcement officers and prosecutors be diligent in enforcing and prosecuting offenses committed against essential workers while on the job.

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. 171 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1457 Judiciary on S.R. No. 136

The purpose and intent of this measure is to urge all law enforcement officers and prosecuting attorneys in the State to vigorously enforce and prosecute offenses committed against essential workers while on the job.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i; State AFL-CIO; Pride at Work – Hawai'i; International Union of Painters and Allied Trades, District Council 50; International Longshore and Warehouse Union Local 142; United Food and Commercial Workers Union 480; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, UNITE HERE Local 5, and United Public Workers, AFSCME Local 646, AFL-CIO. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the outbreak of coronavirus disease 2019 has given rise to the public's reliance upon a multitude of workers for essential services, such as health care, grocery and food service, hospitality, airline travel, and ground transportation. Your Committee further finds that in the course of their employment, essential workers are required to have a high degree of face-to-face interaction with the public, relay to customers and other members of the public government-enacted emergency rules and orders, and frequently enforce those rules and orders. Your Committee additionally finds that essential workers are often harassed or confronted, sometimes physically, while trying to do their vital jobs by persons who do not wish to follow the emergency rules and orders. Therefore, it is imperative that law enforcement officers and prosecutors be diligent in enforcing and prosecuting offenses committed against essential workers while on the job.

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. 136 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1458 Judiciary on S.C.R. No. 195

The purpose and intent of this measure is to urge the United States Congress to amend the United States Code to permit all retired, disabled veterans to receive concurrent retirement and disability payments.

Your Committee received testimony in support of this measure from the Department of Defenses' Office of Veterans Services and three individuals.

Your Committee finds that under federal law, the phrase "concurrent retirement and disability payments" refers to a retired, disabled veteran's simultaneous receipt of the veteran's full retirement payments and disability compensation. Your Committee further finds that, prior to implementation of the concurrent retirement and disability payments program, the retirement payments for all retired, disabled veterans were offset by the amount of disability compensation received by the veteran; however, the National Defense Authorization Act of Fiscal Year 2004 amended the United States Code to provide that retired, disabled veterans who served in the armed forces for twenty or more years and have a United States Department of Veterans Affairs disability rating at or above fifty percent may receive concurrent retirement and disability payments. Your Committee additionally finds that a veteran's retirement annuity is earned for successful years of service whereas disability compensation is earned for a service-connected injury or ailment, and that the two types of benefits are necessarily distinct from one another. Your Committee also finds that it is unjust to offset the retirement payments for certain retired, disabled veterans by the amount of disability compensation received by the veteran.

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. 195, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1459 Judiciary on S.R. No. 160

The purpose and intent of this measure is to urge the United States Congress to amend the United States Code to permit all retired, disabled veterans to receive concurrent retirement and disability payments.

Your Committee received testimony in support of this measure from the Department of Defenses' Office of Veterans Services and one individual.

Your Committee finds that under federal law, the phrase "concurrent retirement and disability payments" refers to a retired, disabled veteran's simultaneous receipt of the veteran's full retirement payments and disability compensation. Your Committee further finds that, prior to implementation of the concurrent retirement and disability payments program, the retirement payments for all retired, disabled veterans were offset by the amount of disability compensation received by the veteran; however, the National Defense Authorization Act of Fiscal Year 2004 amended the United States Code to provide that retired, disabled veterans who served in the armed forces for twenty or more years and have a United States Department of Veterans Affairs disability rating at or above fifty percent may receive concurrent retirement and disability payments. Your Committee additionally finds that a veteran's retirement annuity is earned for successful years of service whereas disability compensation is earned for a service-connected injury or ailment, and that the two types of benefits are necessarily distinct from one another. Your Committee also finds that it is unjust to offset the retirement payments for certain retired, disabled veterans by the amount of disability compensation received by the veteran.

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. 160, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1460 Judiciary on S.C.R. No. 9

The purpose and intent of this measure is to convene a task force to address implementation of Hawaii's state law corollary to Title IX to strengthen Hawaii's efforts to end campus-based sexual violence and gender discrimination.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Department of Education, Americans for Democratic Action, Ma'i Movement Hawai'i, Planned Parenthood Votes Northwest and Hawai'i, Hawai'i State Coalition Against Domestic Violence, AAUW of Hawai'i, Hawai'i Women's Coalition, Democratic Party of Hawai'i Education Caucus, Imua Alliance, Every Voice Coalition, and two individuals. Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that Title IX of the federal Education Amendments of 1972, renamed in 2002 as the Patsy T. Mink Equal Opportunity in Education Act in honor of its principal author, former Hawaii Congresswoman Patsy Takemoto Mink, states that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance". Your Committee further finds that with the change in federal executive administration in 2016, and again in 2020, interpretation and implementation of Title IX has shifted over time, resulting in a need for action to ensure clarity and consistency at the state level. Your Committee further finds that Act 110, Session Laws of Hawaii 2018, enacted in response to intended policy changes regarding Title IX announced by the United States Department of Education, established a state law corollary to Title IX that prohibits sex-based discrimination in state-administered or state-funded educational programs or activities, including discrimination based on sexual orientation, gender identity, and gender expression. This measure creates a task force to work to ensure that the State remains in compliance with Title IX.

Your Committee has amended this measure by:

- (1) Requesting that the task force submit a report to the Legislature prior to the convening of the Regular Session of 2023, in addition to the Regular Session of 2022;
- (2) Changing the requested submission date for the report from twenty days prior to the convening of the Regular Session to forty days prior to the convening of the Regular Session;
- (3) Clarifying language relating to the composition 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 9, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 9, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1461 Judiciary on S.R. No. 8

The purpose and intent of this measure is to convene a task force to address implementation of Hawaii's state law corollary to Title IX to strengthen Hawaii's efforts to end campus-based sexual violence and gender discrimination.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawai'i State Coalition Against Domestic Violence, Planned Parenthood Votes Northwest and Hawai'i, AAUW of Hawai'i, Hawai'i Women's Coalition, Democratic Party of Hawai'i Education Caucus, Imua Alliance, Every Voice Coalition, and one individual. Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that Title IX of the federal Education Amendments of 1972, renamed in 2002 as the Patsy T. Mink Equal Opportunity in Education Act in honor of its principal author, former Hawaii Congresswoman Patsy Takemoto Mink, states that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance". Your Committee further finds that with the change in federal executive administration in 2016, and again in 2020, interpretation and implementation of Title IX has shifted over time, resulting in a need for action to ensure clarity and consistency at the state level. Your Committee further finds that Act 110, Session Laws of Hawaii 2018, enacted in response to intended policy changes regarding Title IX announced by the United States Department of Education, established a state law corollary to Title IX that prohibits sex-based discrimination in state-administered or

state-funded educational programs or activities, including discrimination based on sexual orientation, gender identity, and gender expression. This measure creates a task force to work to ensure that the State remains in compliance with Title IX.

Your Committee has amended this measure by:

- (1) Requesting that the task force submit a report to the Legislature prior to the convening of the Regular Session of 2023, in addition to the Regular Session of 2022;
- (2) Changing the requested submission date for the report from twenty days prior to the convening of the Regular Session to forty days prior to the convening of the Regular Session;
- (3) Clarifying language relating to the composition 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 8, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 8, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1462 Judiciary on S.C.R. No. 99

The purpose and intent of this measure is to ratify a proposed amendment to the Constitution of the United States giving the Congress of the United States power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

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 finds that child labor was common and pervasive throughout the United States in the late nineteenth and early twentieth centuries. Your Committee further finds that in 1916, and again in 1918, the United States Congress (Congress) passed legislation regulating and limiting child labor, but these measures were later held to be unconstitutional by the Supreme Court of the United States, leading to Congress proposing an amendment to the United States Constitution through House Joint Resolution 184 (Resolution 184) in the First Session of the Sixty-Eighth Congress, giving itself the power to regulate labor of persons under eighteen years of age. Your Committee additionally finds that ratification of this proposed amendment stalled after 1925, and that, although child labor was later regulated by Congress through the Fair Labor Standards Act of 1938, the Resolution 184 did not specify a time limit for the amendment's ratification. Your Committee also finds that Hawai'i is one of five states that has no record of taking action on Resolution 184, and that although federal regulation of child labor in the United States is now provided under the Fair Labor Standards Act of 1938, ratification of the constitutional amendment set forth in Resolution 184 would put Hawaii on the right side of history.

Your Committee has amended this measure by:

- (1) Removing the Administrator of the United States General Services Administration and President of the United States Senate from the list of persons to whom certified copies are to be transmitted;
- (2) Adding the Archivist of the United States, Majority Leader of the United States Senate, and Director of Labor and Industrial Relations to the list of persons to whom certified copies are to be transmitted; and
- (3) Making a technical, nonsubstantive stylistic amendment to the ratification language.

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. 99, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 99, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1463 Judiciary on S.C.R. No. 261

The purpose and intent of this measure is to request the Attorney General to petition the Hawaii Supreme Court seeking relief to prevent action against the Reapportionment Commission for the Commission's failure to meet statutory or constitutional deadlines relating to the 2021 reapportionment plans.

Your Committee received testimony in support of this measure from the Office of Elections and one individual. Your Committee received comments on this measure from Common Cause Hawaii.

Your Committee finds that article IV, section 2, of the Hawaii State Constitution requires and provides procedures and a timetable for the convening of the Reapportionment Commission to be tasked with creating a reapportionment plan for the Legislature and the United States congressional districts within the State. Your Committee further finds that the Reapportionment Commission relies on data from the United States Census Bureau for accurate counts of the United States population on which to base reapportionment plans. Your Committee additionally finds that, because of the coronavirus disease 2019 pandemic, the United States Census Bureau has already indicated that redistricting data will not be available until after the constitutional deadline for the Reapportionment Commission to submit a final plan has passed. This measure requests the Attorney General to petition the Hawaii Supreme Court seeking relief to prevent action against the Reapportionment Commission stemming from this unavoidable delay.

Your Committee has amended this measure by:

- (1) Removing members of the state Senate and state House of Representatives from the listed recipients of certified copies; 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 concurs with the intent and purpose of S.C.R. No. 261, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 261, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Fevella).

SCRep. 1464 Judiciary on S.R. No. 220

The purpose and intent of this measure is to request the Attorney General to petition the Hawaii Supreme Court seeking relief to prevent action against the Reapportionment Commission for the Commission's failure to meet statutory or constitutional deadlines relating to the 2021 reapportionment plans.

Your Committee received testimony in support of this measure from the Office of Elections and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from Common Cause Hawaii.

Your Committee finds that article IV, section 2, of the Hawaii State Constitution requires and provides procedures and a timetable for the convening of the Reapportionment Commission to be tasked with creating a reapportionment plan for the Legislature and the United States congressional districts within the State. Your Committee further finds that the Reapportionment Commission relies on data from the United States Census Bureau for accurate counts of the United States population on which to base reapportionment plans. Your Committee additionally finds that, because of the coronavirus disease 2019 pandemic, the United States Census Bureau has already indicated that redistricting data will not be available until after the constitutional deadline for the Reapportionment Commission to submit a final plan has passed. This measure requests the Attorney General to petition the Hawaii Supreme Court seeking relief to prevent action against the Reapportionment Commission stemming from this unavoidable delay.

Your Committee has amended this measure by:

- (1) Removing members of the state Senate and state House of Representatives from the listed recipients of certified copies; 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 concurs with the intent and purpose of S.R. No. 220, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 220, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Fevella).

SCRep. 1465 Judiciary on S.C.R. No. 170

The purpose and intent of this measure is to:

- (1) Request the Judiciary to consider written statements from victims or families of victims when approving a plea-bargain; and
- (2) Request the departments or offices of the prosecuting attorney for the counties to offer a victim or the victim's immediate family member the choice of providing a written statement when consulting and advising the victim whenever a plea-bargain agreement is being negotiated.

Your Committee received testimony in support of this measure from Mothers Against Drunk Driving and three individuals.

Your Committee finds that the rights of victims in criminal proceedings are well established in the State, and that the standard of care toward victims by law enforcement agencies, prosecutors, and the courts has been placed at the same level as that for the defendant. Your Committee further finds that, under the basic bill of rights for victims and witnesses, the victim or a surviving family member is required to be notified of major developments in a criminal case. Your Committee additionally finds that, although the victim has an opportunity to submit a statement in situations where a defendant has already been convicted and is eligible for release, there is no such opportunity provided with regards to plea-bargains being considered. This measure requests prosecutors and courts to solicit and consider statements from a victim or the immediate family member of a victim when plea-bargain agreements are being negotiated or approved.

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. 170 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Fevella).

SCRep. 1466 (Majority) Judiciary on S.C.R. No. 150

The purpose and intent of this measure is to request the Department of the Attorney General to propose legislation that criminalizes any acts by eligible public officials, including local law enforcement, that violate their oaths of office to the United States Constitution and Hawaii State Constitution.

Your Committee received testimony in support of this measure from four individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that article XVI, section 4, of the Hawaii State Constitution requires eligible public officials to take an oath to defend the Constitution of the United States and the Constitution of the State of Hawaii. Your Committee further finds that neither the Hawaii State Constitution nor the Hawaii Revised Statutes currently provide specific penalties for an eligible public official's violation of their oath to defend the United States Constitution or Hawaii State Constitution, and that in light of the risk of harm that can arise when persons in positions of power abuse that power, criminal penalties for violations of that oath are appropriate.

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. 150 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Keohokalole, Kim). Noes, 1 (Fevella). Excused, none.

SCRep. 1467 (Majority) Judiciary on S.R. No. 116

The purpose and intent of this measure is to request the Department of the Attorney General to propose legislation that criminalizes any acts by eligible public officials, including local law enforcement, that violate their oaths of office to the United States Constitution and Hawaii State Constitution.

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

Your Committee finds that article XVI, section 4, of the Hawaii State Constitution requires eligible public officials to take an oath to defend the Constitution of the United States and the Constitution of the State of Hawaii. Your Committee further finds that neither the Hawaii State Constitution nor the Hawaii Revised Statutes currently provide specific penalties for an eligible public official's violation of their oath to defend the United States Constitution or Hawaii State Constitution, and that in light of the risk of harm that can arise when persons in positions of power abuse that power, criminal penalties for violations of that oath are appropriate.

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. 116 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Keohokalole, Kim). Noes, 1 (Fevella). Excused, none.

SCRep. 1468 (Majority) Judiciary on S.C.R. No. 149

The purpose and intent of this measure is to request that the United States Congress pass a law that criminalizes any act by a current or former law enforcement officer, military personnel, or politician that is contrary to their oath to uphold the Constitution.

Your Committee received testimony in support of this measure from four individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that, upon enlistment or taking office, law enforcement, military personnel, and elected officials take an oath to support and defend the Constitution against all enemies, to support and defend the Constitution of the United States, and to perform the duties of the office they are about to enter. Your Committee further finds that, despite the potential for harm resulting from the actions of persons in positions of power who abuse those positions, there are currently no specific criminal offenses nor penalties for the violation by a current or former law enforcement officer, military personnel, or politician of their oath to uphold the Constitution.

Your Committee has amended this measure by:

- (1) Providing for certified copies to be sent to the Speaker of the United States House of Representatives and Majority Leader of the United States Senate; 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 concurs with the intent and purpose of S.C.R. No. 149, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 149, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, 2 (Keohokalole, Fevella). Excused, none.

SCRep. 1469 (Majority) Judiciary on S.R. No. 115

The purpose and intent of this measure is to request that the United States Congress pass a law that criminalizes any act by a current or former law enforcement officer, military personnel, or politician that is contrary to their oath to uphold the Constitution.

Your Committee received testimony in support of this measure from three individuals.

Your Committee finds that, upon enlistment or taking office, law enforcement, military personnel, and elected officials take an oath to support and defend the Constitution against all enemies, to support and defend the Constitution of the United States, and to perform the duties of the office they are about to enter. Your Committee further finds that, despite the potential for harm resulting from the actions of persons in positions of power who abuse those positions, there are currently no specific criminal offenses nor penalties for the violation by a current or former law enforcement officer, military personnel, or politician of their oath to uphold the Constitution.

Your Committee has amended this measure by:

- (1) Providing for certified copies to be sent to the Speaker of the United States House of Representatives and Majority Leader of the United States Senate; 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 concurs with the intent and purpose of S.R. No. 115, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 115, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, 2 (Keohokalole, Fevella). Excused, none.

SCRep. 1470 Water and Land on S.C.R. No. 42

The purpose and intent of this measure is to authorize the Department of Transportation to issue, subject to conditions from the Board of Land and Natural Resources, a lease with Atlantis Submarines Hawaii, LLC, for the state submerged lands fronting the property bound by Pier 27, identified as Tax Map Key (1) 1-5-38:78 (portion), pursuant to section 171-53, Hawaii Revised Statutes.

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

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. According to testimony received by your Committee, the Department of Transportation intends to issue a new thirty-five-year lease to be approved by the Board of Land and Natural Resources for the approximately 26,876 square feet of state submerged lands identified in this measure. Currently, Atlantis employs floating docks on the submerged lands to maintain its submarines and recharge their batteries. Your Committee concludes that the lease of these submerged lands is necessary to support the full relocation of Atlantis's repair and maintenance facility from Pier 41 to Pier 27 as part of the Honolulu Harbor Master Plan.

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. 42 and recommends its adoption.

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

SCRep. 1471 Water and Land on S.C.R. No. 58

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to sell a lease of a portion of state submerged lands seaward of the property identified as Tax Map Key: (1)4-4-022:032, Kaneohe Bay, Kaneohe, Oahu, for non-commercial boat pier purposes, by public auction, pursuant to section 171-53(c), 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 at its meeting on July 26, 2019, under agenda item D-6, the Board of Land and Natural Resources, subject to conditions, approved a set-aside and management right-of-entry for approximately 6.5 acres of submerged lands seaward of Tax Map Key: (1)4-4-022:032, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation. Your Committee also finds that at its meeting on January 8, 2021, under agenda item J-2, the Board of Land and Natural Resources, subject to conditions, approved a grant of a fifty-five year lease of approximately 3.3648 acres of submerged lands seaward of Tax Map Key: (1)4-4-022:032, Kaneohe Bay, Kaneohe, Oahu, for non-commercial boat pier purposes, by public auction. Your Committee concludes that the lease is necessary for the use, repair, and maintenance of the existing piers.

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. 58, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 58, S.D. 1.

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

SCRep. 1472 (Joint) Water and Land and Agriculture and Environment on S.C.R. No. 75

The purpose and intent of this measure is to request that the Office of Planning convene an interdisciplinary task force to develop a framework for a sea level adaptation and resilience plan for the Waikiki Special Improvement District.

Your Committees received testimony in support of this measure from the University of Hawai'i System, Waikīkī Beach Special Improvement District Association, Waikiki Neighborhood Board, and Hawai'i Reef and Ocean Coalition. Your Committees received testimony in opposition of this measure from one individual. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that the Waikiki Special Improvement District is a large generator of revenue for the State and that the framework created by this measure can serve as a pilot and demonstration project for other coastal districts that may develop a comprehensive sea level adaptation and resilience plan.

Your Committees have amended this measure by extending the deadline for the submission of the Office of Planning's report to the Legislature to no later than twenty days prior to the convening of the Regular Session of 2023 so that the Office of Planning has sufficient time to create a framework for a comprehensive sea level adaptation and resilience plan for the Waikiki Special Improvement District.

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 concur with the intent and purpose of S.C.R. No. 75, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 75, S.D. 1.

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. 1473 (Joint) Water and Land and Agriculture and Environment on S.C.R. No. 159

The purpose and intent of this measure is to urge the Department of Land and Natural Resources (DLNR) to examine and consider purchasing reef insurance to protect the State's coastlines and coastal infrastructure from natural disasters.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, The Nature Conservancy, and one individual.

Your Committees find that reefs are the first line of defense against the impacts of natural disasters to the State, such as marine heatwaves, beach erosion, and chronic flooding. According to testimony received by your Committees, damages from sea level rise alone would result in over \$19,000,000,000 in economic damages, not including the destruction of vulnerable coastal infrastructure and flooding of over thirty-eight miles of state roads and highways, which would severely limit trade and transportation throughout the State. Your Committees note that given the priority projects associated with DLNR's Holomua: Marine 30x30 Initiative, completing the requested investigation and report prior to the Regular Session of 2022 may require additional resources and capacity.

Your Committees have amended this measure by:

- Amending the requested submission deadline for DLNR's report from prior to the convening of the Regular Session of 2022 to prior to the convening of the Regular Session of 2023; 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 concur with the intent and purpose of S.C.R. No. 159, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 159, S.D. 1.

Signed by the Chair and President on behalf of the Committees. Water and Land: Ayes, 5. Noes, none. Excused, none. Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

SCRep. 1474 (Joint) Water and Land and Agriculture and Environment on S.C.R. No. 189

The purpose and intent of this measure is to urge the Department of Land and Natural Resources, Department of Agriculture, and other relevant state entities, including the Hawaii congressional delegation, to work with The Trust for Public Land and the Hui Maunawili-Kawainui to acquire the agricultural and conservation lands in Maunawili Valley, Oahu to protect the ancient and historic sites, trails, and waters in Maunawili Valley.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and one individual. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that HRT Realty, Inc., who currently owns over a thousand acres of agricultural and conservation lands in Maunawili Valley, is in discussions to sell several of these parcels to the Department of Land and Natural Resources and the Department of Agriculture. According to testimony received by your Committees, the Department of Land and Natural Resources is currently performing due diligence and exploring federal, state, and county funding opportunities to finance the acquisition of these parcels

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 Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 189, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 189, S.D. 1.

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. 1475 Human Services on S.C.R. No. 229

The purpose and intent of this measure is to request that the Hawaii Health Systems Corporation (HHSC) convene a task force to facilitate improved, mission-driven hiring and training of culturally-accepted interpreters to assist non-English speaking populations seeking care at HHSC facilities.

Your Committee received comments on this measure from the Hawaii Health Systems Corporation and Office of Language Access.

Your Committee finds that the Hawaii Health Systems Corporation provides high quality health care services to residents and visitors throughout the State and serves as a vital component of Hawai'i's system of health care. The HHSC consists of a network of hospitals and clinics, some of which are located in remote, rural, and low-populated areas, HHSC facilities often provide safety-net services for neighbor island acute care and for long-term care in the State, as they serve all people regardless of whether an individual has health insurance or the ability to pay for the health care service they receive. Your Committee further finds that HHSC's vision is

to be recognized as a progressive model for an accessible, integrated, patient-centered, and fiscally responsible health care system focused on assuring high quality care to improve the health of Hawai'i's underserved communities.

Your Committee also finds that members of Hawai'i's non-English speaking populations are often reluctant and intimidated to seek medical care due to the lack of properly trained interpreters in HHSC medical facilities who are able to assist those seeking medical care, who may have language and cultural barriers. Your Committee believes that the scope of this measure should be expanded to include the involvement of the Department of Health and to request that the task force also create culturally-accepted educational materials on preventative care and early intervention to further assist non-English speaking clientele.

Your Committee has amended this measure by:

- (1) Requesting the Department of Health to serve as co-convener of the task force;
- (2) Requesting the task force to create culturally-accepted educational materials on preventative care and early intervention to assist non-English speaking populations seeking care at Hawaii Health Systems Corporation facilities;
- (3) Clarifying that the Regional Chief Executive Officer of the East Hawaii Region of Hawaii Health Systems Corporation is requested to serve as chairperson;
- (4) Urging that two members of a nonprofit Micronesian advocacy group serve as members of the task force;
- (5) Amending its title in accordance with 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 Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 229, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 229, S.D. 1.

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

SCRep. 1476 Human Services on S.R. No. 189

The purpose and intent of this measure is to request that the Hawaii Health Systems Corporation (HHSC) convene a task force to facilitate improved, mission-driven hiring and training of culturally-accepted interpreters to assist non-English speaking populations seeking care at HHSC facilities.

Your Committee did not receive testimony on this measure.

Your Committee finds that the Hawaii Health Systems Corporation provides high quality health care services to residents and visitors throughout the State and serves as a vital component of Hawai'i's system of health care. The HHSC consists of a network of hospitals and clinics, some of which are located in remote, rural, and low-populated areas, HHSC facilities often provide safety-net services for neighbor island acute care and for long-term care in the State, as they serve all people regardless of whether an individual has health insurance or the ability to pay for the health care service they receive. Your Committee further finds that HHSC's vision is to be recognized as a progressive model for an accessible, integrated, patient-centered, and fiscally responsible health care system focused on assuring high quality care to improve the health of Hawai'i's underserved communities.

Your Committee also finds that members of Hawai'i's non-English speaking populations are often reluctant and intimidated to seek medical care due to the lack of properly trained interpreters in HHSC medical facilities who are able to assist those seeking medical care, who may have language and cultural barriers. Your Committee believes that the scope of this measure should be expanded to include the involvement of the Department of Health and to request that the task force also create culturally-accepted educational materials on preventative care and early intervention to further assist non-English speaking clientele.

Your Committee has amended this measure by:

- (1) Requesting the Department of Health to serve as co-convener of the task force;
- (2) Requesting the task force to create culturally-accepted educational materials on preventative care and early intervention to assist non-English speaking populations seeking care at Hawaii Health Systems Corporation facilities;
- (3) Clarifying that the Regional Chief Executive Officer of the East Hawaii Region of Hawaii Health Systems Corporation is requested to serve as chairperson;
- (4) Urging that two members of a nonprofit Micronesian advocacy group serve as members of the task force;
- (5) Amending its title in accordance with 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 Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 189, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 189, S.D. 1.

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

SCRep. 1477 Judiciary on S.C.R. No. 140

The purpose and intent of this measure is to assert that racism is a public health crisis and to urge the State to commit to recognizing and addressing the resulting inequities.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, University of Hawaii System, LGBT Caucus of the Democratic Party of Hawaii, Community Alliance on Prisons, YWCA O'ahu, Hawaii Public Health Institute, Planned Parenthood Votes Northwest and Hawaii, Hawaii Children's Action Network Speaks!, Hawaii Primary Care Association, American Civil Liberties Union of Hawaii, and nine individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from Common Cause Hawaii and one individual.

Your Committee finds that racism is a social system with many dimensions that act on systemic, institutional, and interpersonal levels, and that structural racism has resulted in race functioning as a social determinant of health, with persistent racial disparities in areas such as health care, criminal justice, housing, education, employment, worker protections, climate, food access, and technology. Your Committee further finds that the coronavirus disease 2019 (COVID-19) pandemic has highlighted these disparities. Your Committee additionally finds that shortly before the COVID-19 pandemic, the Aloha United Way issued a report on Asset Limited, Income Constrained, Employed (ALICE) households, finding that forty-two percent of Hawaii's 455,138 households struggle to make ends meet. Your Committee also finds that the disparities caused by systemic racism and the difficulties experienced by ALICE households are frequently linked.

Accordingly, your Committee has amended this measure by:

- Clarifying that state departments and agencies and the counties are included in the requested actions to address racism as a public health crisis;
- (2) Requesting the Director of Health and the Director of Human Services to identify communities with the largest number of ALICE households, summarize activities conducted by the Department of Health and Department of Human Services to provide health care services in these communities, develop a plan to reduce the number of ALICE households, and transmit a report of their findings and recommendations to the Legislature;
- (3) Amending its title in accordance with its amended purpose;
- (4) Providing for certified copies to be sent to the Dean of the John A. Burns School of Medicine, Executive Director of Aloha United Way, and Chief Executive Officer of the Hawaii Care Association; 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 concurs with the intent and purpose of S.C.R. No. 140, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 140, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1478 (Majority) Judiciary on S.C.R. No. 215

The purpose and intent of this measure is to recognize the contributions of the Compact of Free Association community in the State of Hawai'i.

Your Committee received testimony in support of this measure from two individuals and a petition signed by eleven individuals and entities. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia have small populations, economies, and land sizes but stretch over two million square miles of ocean. Your Committee further finds that shortly after World War II, the United States assumed administration of the islands composing these nations and that, upon granting them independence, signed Compact of Free Association (COFA) agreements with them, allowing establishment of bases and access to territorial waters of these nations to the exclusion of other nations. Your Committee additionally finds that treaties arising out of the special and unique relationship that has existed between the three COFA island nations and the United States allow island citizens to enter the United States without work permits or student visas, live, and work, and to access benefits available to United States citizens, such as driver licenses and health care. Your Committee also finds that COFA migrants make significant contributions to the economy, cultural traditions, and communities of the State, and that the COFA island families residing in this country should be treated with honor and respect in recognition of their contributions and the special and unique relationship between the COFA islands and the United States.

In addition, your Committee notes that rule 61 of the Rules of the Hawaii Senate prohibits resolutions that are "congratulatory, commemorative, or memorial" in nature and lack any substantive direction, and that the removal of language to conform with rule 61 does not indicate disagreement with the removed language.

Accordingly, your Committee has amended this measure by:

- (1) Removing nonsubstantive language expressing the recognition of the Legislature;
- (2) Requesting the Hawai'i State Foundation on Culture and the Arts to research contributions made to the State by COFA migrants and submit a report to the Legislature prior to the convening of the Regular Session of 2022; 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 215, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 215, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, 1 (Fevella). Excused, none.

SCRep. 1479 (Majority) Judiciary on S.R. No. 177

The purpose and intent of this measure is to recognize the contributions of the Compact of Free Association community in the State of Hawai'i.

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia have small populations, economies, and land sizes but stretch over two million square miles of ocean. Your Committee further finds that shortly after World War II, the United States assumed administration of the islands composing these nations and that, upon granting them independence, signed Compact of Free Association (COFA) agreements with them, allowing establishment of bases and access to territorial waters of these nations to the exclusion of other nations. Your Committee additionally finds that treaties arising out of the special and unique relationship that has existed between the three COFA island nations and the United States allow island citizens to enter the United States without work permits or student visas, live, and work, and to access benefits available to United States citizens, such as driver licenses and health care. Your Committee also finds that COFA migrants make significant contributions to the economy, cultural traditions, and communities of the State, and that the COFA island families residing in this country should be treated with honor and respect in recognition of their contributions and the special and unique relationship between the COFA islands and the United States.

In addition, your Committee notes that rule 61 of the Rules of the Hawaii Senate prohibits resolutions that are "congratulatory, commemorative, or memorial" in nature and lack any substantive direction, and that the removal of language to conform with rule 61 does not indicate disagreement with the removed language.

Accordingly, your Committee has amended this measure by:

- (1) Removing nonsubstantive language expressing the recognition of the Legislature;
- (2) Requesting the Hawai'i State Foundation on Culture and the Arts to research contributions made to the State by COFA migrants and submit a report to the Legislature prior to the convening of the Regular Session of 2022; 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 177, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 177, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, 1 (Fevella). Excused, none.

SCRep. 1480 (Joint) Energy, Economic Development, and Tourism and Human Services on S.C.R. No. 34

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism and the County of Hawaii Office of Aging conduct a study on the necessity and feasibility of a senior living center in the Ka'u District.

Your Committees received testimony in support of this measure from the Hawai'i County Council and one individual. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that seventeen percent of Hawai'i's existing population consists of seniors, sixty-five years of age and older, and according to a recent report from the Centers for Disease Control and Prevention, Hawai'i has the highest life expectancy in the United States for those individuals over sixty-five years of age.

Your Committees further find that the County of Hawai'i Office of Aging is responsible for assessing the needs of the county's older adult population and is best suited, in coordination with the Executive Office of Aging and the Department of Business, Economic Development, and Tourism to conduct a study on the necessity and feasibility of a senior living center in the Ka'u District.

Your Committees also note that it is important to base the study on the most recent information and to clarify the reporting guidelines to the Legislature.

Your Committees have amended this measure by:

- (1) Requesting that data from the 2020 Decennial Census be used to provide the most recent and accurate figures for the requested study, which will be available in October 2021;
- (2) Including the Executive Office of Aging to assist in the study regarding the necessity and feasibility of a senior living center in the Ka'u District;
- (3) Requesting that the Department of Business, Economic Development, and Tourism and the Executive Office of Aging, in coordination and cooperation with the County of Hawaii Office of Aging, submit a report of its findings and recommendations to the Legislature and the County of Hawaii Office of the Mayor no later than January 1, 2022, rather than no later than July 1, 2021;

- (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 Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 34, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 34, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Riviere).

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

SCRep. 1481 (Joint) Energy, Economic Development, and Tourism and Human Services on S.R. No. 23

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism and the County of Hawaii Office of Aging conduct a study on the necessity and feasibility of a senior living center in the Ka'u District.

Your Committees received testimony in support of this measure from the Hawai'i County Council.

Your Committees find that seventeen percent of Hawai'i's existing population consists of seniors, sixty-five years of age and older, and according to a recent report from the Centers for Disease Control and Prevention, Hawai'i has the highest life expectancy in the United States for those individuals over sixty-five years of age.

Your Committees further find that the County of Hawai'i Office of Aging is responsible for assessing the needs of the county's older adult population and is best suited, in coordination with the Executive Office of Aging and the Department of Business, Economic Development, and Tourism to conduct a study on the necessity and feasibility of a senior living center in the Ka'u District.

Your Committees also note that it is important to base the study on the most recent information and to clarify the reporting guidelines to the Legislature.

Your Committees have amended this measure by:

- Requesting that data from the 2020 Decennial Census be used to provide the most recent and accurate figures for the requested study, which will be available in October 2021;
- (2) Including the Executive Office of Aging to assist in the study regarding the necessity and feasibility of a senior living center in the Ka'u District;
- (3) Requesting that the Department of Business, Economic Development, and Tourism and the Executive Office of Aging, in coordination and cooperation with the County of Hawaii Office of Aging, submit a report of its findings and recommendations to the Legislature and the County of Hawaii Office of the Mayor no later than January 1, 2022, rather than no later than July 1, 2021;
- (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 Human Services that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 23, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 23, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Riviere).

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

SCRep. 1482 Labor, Culture and the Arts on S.C.R. No. 97

The purpose and intent of this measure is to request a task force to be convened to:

- Assess the feasibility of establishing a Hawaii retirement savings program for private sector employees in the State without
 access to employer-sponsored retirement plans;
- (2) Review the implications of the federal Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019, P.L. 116-94, which was enacted on December 20, 2019; and
- (3) Draft the following, if a statewide retirement savings program for private sector employees is deemed feasible for Hawaii:
 - (A) An implementation plan that recommends the best model for Hawaii;
 - (B) An administrative framework to provide initial start-up of the program, oversight over the program, a timeline for establishing and implementing the program, and the proposed start-up costs for the program; and
 - (C) A general marketing and outreach framework to encourage small business and employee participation.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; AARP Hawai'i; Bandt, LLC dba Burgers on Bishop; Common Cause Hawaii; Gaylord's ARCH; Gochi Grill LLC; Hawai'i Budget & Policy Center; Hawaii Family Caregiver Coalition; Hawaii' Public Health Institute; National Conference on Public Employee Retirement Systems; Oililua ElderCare, Inc.; and nine 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 National Association of Insurance and Financial Advisors.

Your Committee finds that the decrease in unionization and increase in independent contingent employment relationships have contributed to the erosion of retirement income security, resulting in the State having many individuals without access to an employer-sponsored retirement plan. Individuals without a retirement plan are at a higher risk of not having sufficient retirement income to cover their basic expenses during retirement and are also more likely to turn to means-tested government programs that strain state and federal budgets during a time of increasing pressure on government finances.

Your Committee finds that individuals who have access to workplace retirement plans through payroll deduction are much more likely to participate and make steady contributions to build retirement savings, as they are incentivized by mechanisms incorporated into such plans, including employer matching and automatic enrollment with default contribution rates. However, as evidenced in testimony submitted, many small businesses in Hawaii are experiencing hardship in implementing employer-sponsored retirement plans for their employees.

Your Committee believes that providing private sector employees in the State who do not have access to workplace retirement plans with an option to participate in a state-wide retirement savings program with payroll deduction features is a reliable way to promote retirement savings needed for a secure retirement, improve employees' financial security, and reduce wealth disparity in society. Your Committee further finds that other states, including California, Illinois, and Oregon have implemented a retirement savings program that covers private sector employees who do not otherwise have access to an employer-sponsored retirement savings plan.

As groundwork to establish a Hawaii retirement savings program, your Committee finds it prudent to have a task force assess the feasibility of establishing the program, review the implication of relevant federal laws, and determine the best model for Hawaii. Your Committee notes testimony from the National Association of Insurance and Financial Advisors requesting that an investment or financial advisor in the private sector retirement planning field be included as a member of the task force.

Your Committee has amended this measure by:

- (1) Including as a member of the task force, one member who is an investment or financial advisor with professional knowledge and experience in private sector retirement planning to be selected by the President of the Senate; 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 concurs with the intent and purpose of S.C.R. No. 97, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 97, S.D. 1.

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

SCRep. 1483 Labor, Culture and the Arts on S.R. No. 76

The purpose and intent of this measure is to request a task force to be convened to:

- (1) Assess the feasibility of establishing a Hawaii retirement savings program for private sector employees in the State without access to employer-sponsored retirement plans;
- (2) Review the implications of the federal Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019, P.L. 116-94, which was enacted on December 20, 2019; and
- (3) Draft the following, if a statewide retirement savings program for private sector employees is deemed feasible for Hawaii:
 - (A) An implementation plan that recommends the best model for Hawaii;
 - (B) An administrative framework to provide initial start-up of the program, oversight over the program, a timeline for establishing and implementing the program, and the proposed start-up costs for the program; and
 - (C) A general marketing and outreach framework to encourage small business and employee participation.

Your Committee received testimony in support of this measure from the AARP Hawai'i; Bandt, LLC dba Burgers on Bishop; Common Cause Hawaii; Gaylord's ARCH; Gochi Grill LLC; Hawai'i Budget & Policy Center; Hawaii Family Caregiver Coalition; Hawai'i Public Health Institute; National Conference on Public Employee Retirement Systems; and ten individuals. Your Committee received comments on this measure from the National Association of Insurance and Financial Advisors.

Your Committee finds that the decrease in unionization and increase in independent contingent employment relationships have contributed to the erosion of retirement income security, resulting in the State having many individuals without access to an employer-sponsored retirement plan. Individuals without a retirement plan are at a higher risk of not having sufficient retirement income to cover their basic expenses during retirement and are also more likely to turn to means-tested government programs that strain state and federal budgets during a time of increasing pressure on government finances.

Your Committee finds that individuals who have access to workplace retirement plans through payroll deduction are much more likely to participate and make steady contributions to build retirement savings, as they are incentivized by mechanisms incorporated into such plans, including employer matching and automatic enrollment with default contribution rates. However, as evidenced in testimony submitted, many small businesses in Hawaii are experiencing hardship in implementing employer-sponsored retirement plans for their employees.

Your Committee believes that providing private sector employees in the State who do not have access to workplace retirement plans with an option to participate in a state-wide retirement savings program with payroll deduction features is a reliable way to promote retirement savings needed for a secure retirement, improve employees' financial security, and reduce wealth disparity in society. Your Committee further finds that other states, including California, Illinois, and Oregon have implemented a retirement savings program that covers private sector employees who do not otherwise have access to an employer-sponsored retirement savings plan.

As groundwork to establish a Hawaii retirement savings program, your Committee finds it prudent to have a task force assess the feasibility of establishing the program, review the implication of relevant federal laws, and determine the best model for Hawaii. Your Committee notes testimony from the National Association of Insurance and Financial Advisors requesting that an investment or financial advisor in the private sector retirement planning field be included as a member of the task force.

Your Committee has amended this measure by:

- (1) Including as a member of the task force, one member who is an investment or financial advisor with professional knowledge and experience in private sector retirement planning to be selected by the President of the Senate; 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 concurs with the intent and purpose of S.R. No. 76, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 76, S.D. 1.

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

SCRep. 1484 Labor, Culture and the Arts on S.C.R. No. 98

The purpose and intent of this measure is to request the Director of Labor and Industrial Relations to convene a sixteen-member paid family leave task force to study, design, and develop a paid family leave pilot program with coverage limited to certain employers and employees to be established and implemented by the Department of Labor and Industrial Relations (DLIR) as a trial program that could eventually be expanded to cover all public and private sector workers in the State.

Your Committee received testimony in support of this measure from AAUW of Hawaii; Americans for Democratic Action Hawai'i; Breastfeeding Hawaii; Hawai'i Children's Action Network Speaks!; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawai'i Public Health Institute Obesity Prevention Task Force; Ma'i Movement Hawai'i; and Planned Parenthood Votes Northwest and Hawaii. Your Committee received comments on this measure from the Department of Labor and Industrial Relations, Chamber of Commerce Hawaii, and Society for Human Resource Management Hawaii.

Your Committee finds that existing federal and state laws that require covered employers to allow eligible employees leave of absence for family caregiving purposes (family leave), such as to care for a family member with a serious health condition or to bond with a new child, do not require the leave to be paid leave. The need for family leave in Hawaii is expected to increase as the percentage of residents aged sixty-five years and older is projected to rise from 14.5 percent in 2010, to 22.6 percent in 2030. However, a majority of Hawaii's workforce cannot afford to take unpaid family leave due to financial constraints.

The Legislature has considered various measures over numerous sessions to establish a framework by which paid family leave can be provided to the Hawaii workforce. In 2018, it ordered the Legislative Reference Bureau (LRB) to analyze the impacts of establishing a paid family leave program in Hawaii to enable the Legislature to choose a model or framework that is most suitable for Hawaii. The LRB study, issued in December 2019, projected the costs and staffing required to establish and maintain a paid family leave system in Hawaii under three social insurance models. Your Committee believes that the next step towards establishment of a state-wide paid family leave program is to have a task force study, design, and develop a pilot program with limited coverage to be implemented by DLIR that could eventually be expanded to the entire State.

Your Committee notes testimony from the Society for Human Resource Management Hawaii suggesting that a human resource professional be a member of the paid family leave task force. Your Committee recommends that one of the task force members who represents business organizations or small business organizations be a human resource professional. Your Committee also notes DLIR's testimony stating that it will require five dedicated personnel, i.e., the chairperson, temporary disability insurance specialist, a labor law enforcement specialist, and two clerical staff, to support the task force, whose total compensation will surpass \$300,000. Your Committee will seek an appropriation to fund the paid family leave task force, including compensation for DLIR's dedicated personnel, in the budget bill.

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 concurs with the intent and purpose of S.C.R. No. 98 and recommends its adoption.

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

SCRep. 1485 Labor, Culture and the Arts on S.C.R. No. 164

The purpose and intent of this measure is to urge the United States Congress and the President of the United States to enact the Protecting the Right to Organize Act of 2019, H.R. 2474, 116th Cong., 2d Sess. (2019-2020) (PRO Act of 2019) as expeditiously as possible.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State AFL-CIO; Hawaii Workers Center; International Brotherhood of Electrical Workers Local 1260; International Brotherhood of Electrical Workers Local Union No. 1186; International Longshore & Warehouse Union Local 142; International Union of Painters and Allied Trades, District Council 50; LGBT Caucus of the Democratic Party of Hawaii; Musicians' Association of Hawaii, Local 677, American Federation of Musicians, Building Corporation; Plumbers and Fitters United Association, Local 675; Pride at Work Hawaii; Rainbow Family 808.com Inc.; United Public Workers, AFSCME Local 646, AFL-CIO; and one individual. Your Committee received testimony in opposition to this measure from the Associated Builders and Contractors, Hawaii Chanter.

Your Committee finds that from 1980 to 2014, wages for the bottom half of income earners in the United States grew by one percent, while wages for the top one percent of income earners grew by two-hundred five percent as a result of policy and court

decisions that have stripped workers of the power to stand together and bargain for fairer wages, meaningful benefits, and proper working conditions. Your Committee further finds that unionized workers earn over thirteen percent more than comparable nonunionized workers and receive fairer wages, better benefits, and have better working conditions. However, special-interest attacks on state and federal labor laws have eroded union membership among workers from thirty-three percent in 1956 to just ten percent in 2018. Your Committee also finds that on February 6, 2020, the United States House of Representatives passed the PRO Act of 2019, which protects the basic rights of workers to join a union by empowering workers to exercise their right to organize, holding employers accountable for violating workers' rights, and securing free, fair, and safe union elections. Your Committee finds that the enactment of the PRO Act of 2019 is crucial in restoring a healthy balance between the rights of labor and management and raising the standard-of-living of the working class in the United States.

Your Committee has amended this measure by:

- (1) Replacing the United States Congress with the United States Senate since the United States House of Representatives has already passed the PRO Act of 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 Labor, Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 164, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 164, S.D. 1.

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

SCRep. 1486 Labor, Culture and the Arts on S.R. No. 129

The purpose and intent of this measure is to urge the United States Congress and the President of the United States to enact the Protecting the Right to Organize Act of 2019, H.R. 2474, 116th Cong., 2d Sess. (2019-2020) (PRO Act of 2019) as expeditiously as possible.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State AFL-CIO; Hawaii Workers Center; International Brotherhood of Electrical Workers Local 1260; International Brotherhood of Electrical Workers Local Union No. 1186; International Longshore & Warehouse Union Local 142; International Union of Painters and Allied Trades, District Council 50; LGBT Caucus of the Democratic Party of Hawaii; Plumbers and Fitters United Association, Local 675; Pride at Work Hawaii; and United Public Workers, AFSCME Local 646, AFL-CIO. Your Committee received testimony in opposition to this measure from the Associated Builders and Contractors, Hawaii Chapter.

Your Committee finds that from 1980 to 2014, wages for the bottom half of income earners in the United States grew by one percent, while wages for the top one percent of income earners grew by two-hundred five percent as a result of policy and court decisions that have stripped workers of the power to stand together and bargain for fairer wages, meaningful benefits, and proper working conditions. Your Committee further finds that unionized workers earn over thirteen percent more than comparable nonunionized workers and receive fairer wages, better benefits, and have better working conditions. However, special-interest attacks on state and federal labor laws have eroded union membership among workers from thirty-three percent in 1956 to just ten percent in 2018. Your Committee also finds that on February 6, 2020, the United States House of Representatives passed the PRO Act of 2019, which protects the basic rights of workers to join a union by empowering workers to exercise their right to organize, holding employers accountable for violating workers' rights, and securing free, fair, and safe union elections. Your Committee finds that the enactment of the PRO Act of 2019 is crucial in restoring a healthy balance between the rights of labor and management and raising the standard-of-living of the working class in the United States.

Your Committee has amended this measure by:

- (1) Replacing the United States Congress with the United States Senate since the United States House of Representatives has already passed the PRO Act of 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 Labor, Culture and the Arts 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, 4. Noes, none. Excused, 1 (Keohokalole).

SCRep. 1487 Labor, Culture and the Arts on S.C.R. No. 236

The purpose and intent of this measure is to urge the President of the United States and the Asia-Pacific Economic Cooperation to hold the 2023 Asia-Pacific Economic Cooperation Summit in the City and County of Honolulu, Hawaii.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority and Hawaii Automobile Dealers Association.

Your Committee finds that the Asia-Pacific Economic Cooperation (APEC) is a regional economic forum established in 1989, that aims to create greater prosperity for the people of the region by promoting balanced, inclusive, sustainable, innovative and secure growth and by accelerating regional economic integration. Your Committee further finds that APEC's twenty-one member economies that generally surround the Pacific Ocean, represent over forty percent of the world's population and over fifty percent of the world's trade. Every year, one of the twenty-one APEC members plays host to APEC meetings (Summit) and serves as the APEC Chair. The host economy for the APEC Summit is responsible for chairing various meetings, including the annual Economic Leaders' Meeting,

selected ministerial meetings, senior officials' meetings, the APEC Business Advisory Council, and the APEC Study Centers Consortium.

Your Committee finds that Hawaii is renowned not only for its hospitality grounded in the spirit of Aloha, natural beauty, and mild weather, but also for its diverse ethnicities and consensus building among multiple cultures. It is situated at the intersection of the twenty-one members of APEC and has experience successfully hosting and accommodating numerous international conferences, including the 2011 APEC Summit and the World Conservation Congress of the International Union for Conservation of Nature in 2016. Thus, Hawaii is an ideal location to hold APEC Summits. Having the City and County of Honolulu host the 2023 APEC Summit will expose Hawaii again to the tremendous opportunity to establish positive and long-lasting relationships with the attending APEC member economies and their people, including thousands of diplomats, support staff, and media members from around the world, while boosting Hawaii's entire economy.

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 concurs with the intent and purpose of S.C.R. No. 236, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 236, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1488 Labor, Culture and the Arts on S.R. No. 196

The purpose and intent of this measure is to urge the President of the United States and the Asia-Pacific Economic Cooperation to hold the 2023 Asia-Pacific Economic Cooperation Summit in the City and County of Honolulu, Hawaii.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority and Hawaii Automobile Dealers Association.

Your Committee finds that the Asia-Pacific Economic Cooperation (APEC) is a regional economic forum established in 1989, that aims to create greater prosperity for the people of the region by promoting balanced, inclusive, sustainable, innovative and secure growth and by accelerating regional economic integration. Your Committee further finds that APEC's twenty-one member economies that generally surround the Pacific Ocean, represent over forty percent of the world's population and over fifty percent of the world's trade. Every year, one of the twenty-one APEC members plays host to APEC meetings (Summit) and serves as the APEC Chair. The host economy for the APEC Summit is responsible for chairing various meetings, including the annual Economic Leaders' Meeting, selected ministerial meetings, senior officials' meetings, the APEC Business Advisory Council, and the APEC Study Centers Consortium.

Your Committee finds that Hawaii is renowned not only for its hospitality grounded in the spirit of Aloha, natural beauty, and mild weather, but also for its diverse ethnicities and consensus building among multiple cultures. It is situated at the intersection of the twenty-one members of APEC and has experience successfully hosting and accommodating numerous international conferences, including the 2011 APEC Summit and the World Conservation Congress of the International Union for Conservation of Nature in 2016. Thus, Hawaii is an ideal location to hold APEC Summits. Having the City and County of Honolulu host the 2023 APEC Summit will expose Hawaii again to the tremendous opportunity to establish positive and long-lasting relationships with the attending APEC member economies and their people, including thousands of diplomats, support staff, and media members from around the world, while boosting Hawaii's entire economy.

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 concurs with the intent and purpose of S.R. No. 196, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 196, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1489 Labor, Culture and the Arts on S.C.R. No. 241

The purpose and intent of this measure is to request the Hawaii Sister-State Committee (Sister-State Committee) to evaluate and develop recommendations for the initiation of a sister-state relationship between the State of Hawaii and the Prefecture of Yamaguchi, Japan, which is a prefecture situated in Japan's Chugoku region on the southwest side of Honshu Island with a population of approximately one million four hundred thousand.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism and Honolulu Yamaguchi Kenjinkai.

Your Committee finds that Hawaii has developed and maintained a rich heritage of international relations and cultural exchanges since the days of the Hawaiian monarchy in the nineteenth century. Hawaii has an abiding interest in developing goodwill, friendship, and economic relations between the people of Hawaii and the people of many nations and continues to actively seek opportunities to expand its international ties. The Legislature instituted its first sister-state relationship in 1981, with the Prefecture of Fukuoka, Japan. Hawaii has since established sister-state relationships with various states and provinces throughout the globe as a means of asserting and promoting the State's active participation in international matters. As of today, the State maintains sister-state relationships with eighteen states and provinces, including five of Japan's forty-seven prefectures.

According to the Department of Business, Economic Development, and Tourism (DBEDT), most successful sister relationships are established when there is commonality between Hawaii and the sister, primarily from geographical, historical, cultural, or economic standpoints; there are active and interested support groups, such as Chambers of Commerce or cultural and civic associations; there are economic benefits for both sisters, such as increased numbers of visitors or enhanced investment or marketing opportunities; close ties have been established between educational institutions of the two potential sisters, including both student and faculty exchanges; and there is a clear, strong governmental interest in not only forming, but maintaining the relationship.

Your Committee finds that Hawaii and the people of Yamaguchi share a long history and strong bond, beginning with the immigration of 10,424 contract laborers to Hawaii between 1885 and 1894 as *kanyaku imin* (government-sponsored immigrants) pursuant to the Hawaiian-Japanese Labor Convention of 1886. Since then, there have been continuous cultural exchanges between the people of Hawaii and Yamaguchi. According to the Honolulu Yamaguchi Kenjinkai, Hawaii has a total of five Yamaguchi kenjinkais on the islands of Oahu, Maui, Kauai, and the Big Island. Over the years, the kenjinkais have held numerous events, and the prefectural government of Yamaguchi has participated in each of the significant events by sending delegations, often including the Governors themselves, to join in the celebrations. Most recently, Governor Tsugumasa Muraoka visited Honolulu in 2018 to celebrate the sixtieth anniversary of the founding of the Honolulu Yamaguchi Kenjinkai and to participate in the 150th anniversary of the arrival of the first Japanese immigrants to Hawaii, called the Gannenmono. Governor Muraoka supports the establishment of a sister-state relationship between Hawaii and Yamaguchi.

At the community-level, in addition to various tour groups from Yamaguchi visiting Hawaii each year and the Kauai Community College's academic exchange program with Yamaguchi University, a fisheries high school in Yamaguchi has a tradition of sending its students on a four-thousand-five-hundred-mile educational voyage across the Pacific Ocean aboard their ship, the Kaiyu Maru, to conduct its annual fisheries training off the coast of Hawaii. The students stop in Honolulu for a few days of rest and recuperation, during which they meet and socialize with members of the Honolulu Yamaguchi Kenjinkai by hosting receptions on the Kaiyu Maru and attending a picnic hosted by the kenjinkai. The Kaiyu Maru also brings onboard gifts from the Yamaguchi prefectural government, including prefectural products, that the kenjinkai distributes at its annual Honolulu Festival booth.

Your Committee finds that the sister-state relationship proposed by this measure will be highly beneficial in expanding tourism, strengthening cultural bonds, and advancing common goals of international peace and brotherhood. Your Committee further finds that the Sister-State Committee met on March 15, 2021, to review the Hawaii-Yamaguchi Sister-State application that was submitted by the Honolulu Yamaguchi Kenjinkai, and by a unanimous vote, approved to recommend the establishment of a sister-state relationship with Yamaguchi.

Your Committee has amended this measure by deleting its contents and replacing it with language, including an amended title, that establishes a sister-state relationship with Yamaguchi, by concurrent resolution, the next step as required by section 229-3, Hawaii Revised Statutes

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 concurs with the intent and purpose of S.C.R. No. 241, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 241, S.D. 1.

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

SCRep. 1490 Labor, Culture and the Arts on S.C.R. No. 242

The purpose and intent of this measure is to request that a creative resurgence task force be convened to build and foster creativity and innovation through the arts, culture, and humanities in the State.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawai'i Alliance for Arts Education dba Hawai'i Arts Alliance; and one individual. Your Committee received comments on this measure from the State Foundation on Culture and the Arts.

Your Committee finds that before the coronavirus disease 2019 (COVID-19) pandemic, Hawaii had a thriving creative sector. With the support of the Department of Business, Economic Development, and Tourism's (DBEDT) Creative Industries Division in workforce development, infrastructure, and access to capital, Hawaii's creative sector had developed business acumen and ability structure to export its intellectual property. In 2019, the fifty-three thousand individuals and small businesses forming Hawaii's creative economy had contributed \$4,000,000,000,000 to the State's gross domestic product.

Your Committee further finds that the devastating impact of the COVID-19 pandemic, including significant decrease in visitors to Hawaii, cancellation of various events, and closure of public forums have disproportionately affected the nation's and Hawaii's creative economy. With students, educators, and artists being unable to gather, perform, hold art and cultural events, or pursue their studies, creativity in society and educational institutions diminished as well, leading to significant losses in arts education and the humanities.

Your Committee notes that multiple measures proposing to support the State's creative economy have been considered by the Legislature during recent sessions. Your Committee is hopeful that including a wide variety of members on the task force will help to regain that momentum and lead to a rapid formulation of an effective measure to achieve the objective of building and fostering creativity and innovation in Hawaii through the arts, culture, and humanities.

Your Committee notes testimony from DBEDT that its Director be included as a member of the task force. Your Committee also notes the request from the State Foundation on Culture and the Arts to include the Director of Labor and Industrial Relations and Director of Taxation as well.

Your Committee has amended this measure by:

(1) Amending the composition of the task force by:

- (A) Eliminating the Executive Director of The Pōpolo Project and Hawaii Strategy Lab pursuant to their request, member of the Senate, and member of the House of Representatives; and
- (B) Including the Director of Business, Economic Development, and Tourism; Director of Labor and Industrial Relations; and Director of Taxation; and
- (2) Amending the list of recipients of copies of the resolution to reflect the changes in the task force membership; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that the Director of Business, Economic Development, and Tourism initially convene the task force, and thereafter have the task force members select its chairperson and vice chairperson from among its members, as provided in this 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 concurs with the intent and purpose of S.C.R. No. 242, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 242, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1491 Labor, Culture and the Arts on S.R. No. 201

The purpose and intent of this measure is to request that a creative resurgence task force be convened to build and foster creativity and innovation through the arts, culture, and humanities in the State.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawai'i Alliance for Arts Education dba Hawai'i Arts Alliance; and two individuals. Your Committee received comments on this measure from the State Foundation on Culture and the Arts.

Your Committee finds that before the coronavirus disease 2019 (COVID-19) pandemic, Hawaii had a thriving creative sector. With the support of the Department of Business, Economic Development, and Tourism's (DBEDT) Creative Industries Division in workforce development, infrastructure, and access to capital, Hawaii's creative sector had developed business acumen and ability structure to export its intellectual property. In 2019, the fifty-three thousand individuals and small businesses forming Hawaii's creative economy had contributed \$4,000,000,000,000 to the State's gross domestic product.

Your Committee further finds that the devastating impact of the COVID-19 pandemic, including significant decrease in visitors to Hawaii, cancellation of various events, and closure of public forums have disproportionately affected the nation's and Hawaii's creative economy. With students, educators, and artists being unable to gather, perform, hold art and cultural events, or pursue their studies, creativity in society and educational institutions diminished as well, leading to significant losses in arts education and the humanities.

Your Committee notes that multiple measures proposing to support the State's creative economy have been considered by the Legislature during recent sessions. Your Committee is hopeful that including a wide variety of members on the task force will help to regain that momentum and lead to a rapid formulation of an effective measure to achieve the objective of building and fostering creativity and innovation in Hawaii through the arts, culture, and humanities.

Your Committee notes testimony from DBEDT that its Director be included as a member of the task force. Your Committee also notes the request from the State Foundation on Culture and the Arts to include the Director of Labor and Industrial Relations and Director of Taxation as well.

Your Committee has amended this measure by:

- (1) Amending the composition of the task force by:
 - (A) Eliminating the Executive Director of The Pōpolo Project and Hawaii Strategy Lab pursuant to their request, member of the Senate, and member of the House of Representatives; and
 - (B) Including the Director of Business, Economic Development, and Tourism; Director of Labor and Industrial Relations; and Director of Taxation; and
- (2) Amending the list of recipients of copies of the resolution to reflect the changes in the task force membership; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that the Director of Business, Economic Development, and Tourism initially convene the task force, and thereafter have the task force members select its chairperson and vice chairperson from among its members, as provided in this 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 concurs with the intent and purpose of S.R. No. 201, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 201, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1492 (Joint) Labor, Culture and the Arts and Energy, Economic Development, and Tourism on S.C.R. No. 243

The purpose and intent of this measure is to request the Legislative Reference Bureau (LRB) to conduct a study to create a statutory definition of creative workers and provide recommendations on the structure by which transient accommodations tax revenues may be used to support creative workers.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; State Foundation on Culture and the Arts; and Hawai'i Alliance for Arts Education dba Hawai'i Arts Alliance. Your Committees received comments on this measure from the Legislative Reference Bureau.

Your Committees find that creative work is generally understood as a tangible manifestation of creative effort, including fine artwork (sculpture, paintings, drawing, sketching), performance art, dance, writing (literature), filmmaking, and compositions, with a degree of arbitrariness such that it is improbable that two persons would independently create the same work. People from all over the world who visit Hawaii have historically enjoyed the unique work produced by creative workers, including but not limited to painters, sculptors, ceramicists, writers, poets, photographers, film makers, visual artists, singers, composers, musicians, lyricists, choreographers, dancers, actors, and other performing artists. Your Committees also find that the significant decrease in the number of tourists in Hawaii due to the coronavirus disease 2019 pandemic has had a substantial impact on the livelihood of creative workers. This measure serves as groundwork for the Legislature to establish measures to support the creative workers in Hawaii.

Your Committees note the LRB's concerns regarding the tasks it is being asked to perform in this measure. First, the LRB states that it has no expertise or experience in matters relating to transient accommodations tax, tourism, or creative arts. Second, the LRB raises the lack of parameters needed for it to produce a meaningful report, including explicit guidance on the definition of "creative workers" from which the LRB can create a statutory definition and policy determinations as to the extent the "support" of creative workers should be prioritized over other concerns.

Your Committees have amended this measure by:

- (1) Deleting references to utilization of transient accommodations tax revenues to assist creative workers;
- (2) Providing non-statutory general definitions of "creative work" and "creative workers" as guidance to the LRB; 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 Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 243, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 243, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 5. Noes, none. Excused, none.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Wakai).

SCRep. 1493 (Joint) Labor, Culture and the Arts and Energy, Economic Development, and Tourism on S.R. No. 202

The purpose and intent of this measure is to request the Legislative Reference Bureau (LRB) to conduct a study to create a statutory definition of creative workers and provide recommendations on the structure by which transient accommodations tax revenues may be used to support creative workers.

Your Committees did not receive any testimony on this measure.

Your Committees find that creative work is generally understood as a tangible manifestation of creative effort, including fine artwork (sculpture, paintings, drawing, sketching), performance art, dance, writing (literature), filmmaking, and compositions, with a degree of arbitrariness such that it is improbable that two persons would independently create the same work. People from all over the world who visit Hawaii have historically enjoyed the unique work produced by creative workers, including but not limited to painters, sculptors, ceramicists, writers, poets, photographers, film makers, visual artists, singers, composers, musicians, lyricists, choreographers, dancers, actors, and other performing artists. Your Committees also find that the significant decrease in the number of tourists in Hawaii due to the coronavirus disease 2019 pandemic has had a substantial impact on the livelihood of creative workers. This measure serves as groundwork for the Legislature to establish measures to support the creative workers in Hawaii.

Your Committees note the LRB's concerns regarding the tasks it is being asked to perform in this measure. First, the LRB states that it has no expertise or experience in matters relating to transient accommodations tax, tourism, or creative arts. Second, the LRB raises the lack of parameters needed for it to produce a meaningful report, including explicit guidance on the definition of "creative workers" from which the LRB can create a statutory definition and policy determinations as to the extent the "support" of creative workers should be prioritized over other concerns.

Your Committees have amended this measure by:

- (1) Deleting references to utilization of transient accommodations tax revenues to assist creative workers;
- (2) Providing non-statutory general definitions of "creative work" and "creative workers" as guidance to the LRB; 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 Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 202, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 202, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 5. Noes, none. Excused, none.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Wakai).

SCRep. 1494 (Joint) Transportation and Water and Land on S.C.R. No. 190

The purpose and intent of this measure is to:

- (1) Request the Department of Transportation and community stakeholders to improve the Maunalua-Makapuu State Scenic Byway; and
- (2) Develop a plan to consolidate management along the Kaiwi Coast Scenic Shoreline.

Your Committees received testimony in support of this measure from the Department of Transportation, Livable Hawaii Kai Hui, Hawaii Bicycling League, and five individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and two individuals.

Your Committees find that the Kaiwi coast scenic shoreline is a beautiful stretch of undeveloped land in east Oahu that is host to the Maunalua-Makapuu Scenic Byway. There is concern that without proper management, this area will face increasing challenges. Your Committees find that it is in the best interests of the people of Hawaii to engage the community to protect this sensitive area and preserve its natural beauty.

Your Committees have amended this measure by:

- (1) Changing the organizational structure from a task force to a working group;
- (2) Adjusting the composition of the working group;
- (3) Amending its title in accordance with its amended purpose;
- (4) Adding a sunset provision to dissolve the working group on July 1, 2023; 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 Transportation and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 190, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 190, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 1495 (Joint) Transportation and Water and Land on S.R. No. 155

The purpose and intent of this measure is to:

- (1) Request the Department of Transportation and community stakeholders to improve the Maunalua-Makapuu State Scenic Byway; and
- (2) Develop a plan to consolidate management along the Kaiwi Coast Scenic Shoreline.

Your Committees received testimony in support of this measure from the Department of Transportation. Your Committees received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committees find that the Kaiwi coast scenic shoreline is a beautiful stretch of undeveloped land in east Oahu that is host to the Maunalua-Makapuu Scenic Byway. There is concern that without proper management, this area will face increasing challenges. Your Committees find that it is in the best interests of the people of Hawaii to engage the community to protect this sensitive area and preserve its natural beauty.

Your Committees have amended this measure by:

- (1) Changing the organizational structure from a task force to a working group;
- (2) Adjusting the composition of the working group;
- (3) Amending its title in accordance with its amended purpose;
- (4) Adding a sunset provision to dissolve the working group on July 1, 2023; 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 Transportation and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 155, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 155, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 1496 Ways and Means on S.C.R. No. 5

The purpose and intent of this measure is to recognize the importance of data governance and to assess and modernize procedures for collecting, retaining, and sharing detailed and disaggregated data, including data that disaggregates Native Hawaiians from other Pacific Islanders, in pandemic response recovery efforts.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaiian Affairs Caucus of the Department of Public Health, Office of Enterprise Technology Services, Spoehr Foundation, Hawaii Friends of Civil Rights, Hawaii Coalition for Immigrant Rights, Medical-Legal Partnership, Hawaii Children's Action Network Speaks!, Hawaii Appleseed Center for Law and Economic Justice, The Queen's Health Systems, and numerous individuals.

Your Committee finds that improving data governance will help the State develop data-driven, fact-based, and well-tailored policies and interventions to address the unique needs of Hawaii's Native Hawaiian and Pacific Islander communities.

As 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.C.R. No. 5 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1497 Ways and Means on S.C.R. No. 10

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting property located in Kaalawai, Honolulu, Oahu, for the maintenance and repair of the existing seawall, and for the use, repair, and maintenance of the existing improvements constructed thereon.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in the disposition of state submerged lands. The Board has identified portions of a seawall fronting the property identified as Tax Map Key: (1) 3-1-041:025, Kaalawai, Honolulu, Oahu, as encroaching upon state submerged lands.

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 seawall encroachment. Your Committee notes that the term of the easement shall run with the land and shall inure to the benefit of the abutting real property.

As 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.C.R. No. 10 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1498 Ways and Means on S.C.R. No. 11

The purpose and intent of this measure is to authorize the issuance of an easement for state submerged lands.

Specifically, this measure authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting property located in Waimanalo, Koolaupoko, Oahu, for the maintenance and repair of the existing pier, seawall, and steps, and for the use, repair, and maintenance of the existing improvements.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in the disposition of state submerged lands. The Board has identified that the entire pier and portions of a seawall and steps fronting the properties identified as Tax Map Keys: (1) 4-1-001:011 and (1) 4-1-001:013, as encroaching upon state submerged lands. The current owner of the abutting property has worked with the Department of Land and Natural Resources to convert the existing pier revocable permit to a long-term easement, as the pier and portions of seawall and steps are located on state submerged lands. Your Committee further finds that this measure expresses the requisite legislative approval required by section 171-53, Hawaii Revised Statutes, so that an easement may be issued for the use of those state submerged lands.

As 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.C.R. No. 11, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1499 Ways and Means on S.C.R. No. 12

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-005:001, for the existing rubble rock revetment, rock wall, and two concrete stairways, and for the use, maintenance, repair, replacement, and removal of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, authorizes the Board of Land and Natural Resources to lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. At the location in question, a rubble rock revetment, a rock wall, and two concrete stairways were originally built in 1980 in the government beach reserve. However, a portion of the improvements are located on state submerged lands. Your Committee finds that the removal of the rubble rock revetment would place one of the condominium buildings under immediate threat of erosion, and removal of the stairs could hinder public access. Your Committee further finds that encroaching structures will prevent shoreline erosion and mitigate inland flooding associated with large wave and storm events.

As 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.C.R. No. 12 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1500 Ways and Means on S.C.R. No. 13

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 at Maunalua, on the island of Oahu, for the use, repair, and maintenance of an existing storm drain.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee notes that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state lands. Your Committee finds that the Department of Land and Natural Resources has approved a request to grant a perpetual non-exclusive easement for a 174-square foot portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-9-027:007 at Maunalua, Honolulu, Oahu, for the use, repair, and maintenance of the existing storm drain constructed thereon.

Accordingly, your Committee finds that the storm drain use, repair, and maintenance facilitated by this measure will not interfere with beach access and will serve the public interest by mitigating surface runoff. Your Committee further finds that this measure expresses the requisite legislative approval to permit an easement to be issued for the use of those state submerged lands.

As 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.C.R. No. 13 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1501 Ways and Means on S.C.R. No. 16

The purpose and intent of this measure is to authorize the issuance of term, non-exclusive easements covering a portion of state submerged lands at Waiohuli-Keokea (Kihei), Wailuku, Maui, for the existing seawall, and for the use, maintenance, and repair of the existing improvements constructed thereon, pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the Board of Land and Natural Resources has identified portions of a seawall fronting the property identified as Tax Map Key: (2) 3-9-011:008 as encroaching upon state submerged lands. In its meetings on August 25, 2017, and October 12, 2018, the Board approved the grant of sixty-five year, non-exclusive easements to resolve these encroachments. Your Committee also finds that these easements are necessary for the use, repair, and maintenance of the existing seawall. Your Committee further finds that this measure expresses the requisite legislative approval required by section 171-53, Hawaii Revised Statutes, so that an easement may be issued for use of those state submerged lands.

As 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.C.R. No. 16, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1502 Ways and Means on S.C.R. No. 100

The purpose and intent of this measure is to promote greater gender equity in the public school system with regard to menstruation and menstrual hygiene.

More specifically, this measure requests that:

- (1) The Department of Education provide free menstrual products to students on all public school campuses in the State;
- (2) The Board of Education include criteria relevant to gender equity in the evaluation tool of the Superintendent; and
- (3) The Hawaii youth risk behavior survey include specific questions regarding menstrual equity and access to menstrual products.

Your Committee received written comments in support of this measure from the Hawaii State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Hawaii State Teachers Association, Neighborhood Place of Puna, Mai Movement Hawaii, Hawaii Women's Coalition, and numerous individuals.

Your Committee received comments on this measure from the Department of Education.

Your Committee finds that the Department of Education provides students with free hygiene products such as toilet paper and hand soap in restrooms in order to maintain a healthy school environment, but does not provide free menstrual products. Your Committee notes that in the 2019-2020 school year, the Department of Education considered forty-seven percent of its public school students to be "economically disadvantaged" and further notes that a 2020 Aloha United Way report states that sixty percent of families in the State are struggling to meet basic needs due to the economic impact of the coronavirus disease 2019 pandemic. Your Committee further finds that lack of access to affordable menstrual products contributes to student absenteeism and tardiness. Accordingly, your Committee believes that the requests made in this measure are worthy of consideration and may help to improve gender equity on public school campuses and encourage more consistent school attendance.

As 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.C.R. No. 100 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1503 Ways and Means on S.R. No. 77

The purpose and intent of this measure is to promote greater gender equity in the public school system with regard to menstruation and menstrual hygiene.

More specifically, this measure requests that:

- (1) The Department of Education provide free menstrual products to students on all public school campuses in the State;
- (2) The Board of Education include criteria relevant to gender equity in the evaluation tool of the Superintendent; and
- (3) The Hawaii youth risk behavior survey include specific questions regarding menstrual equity and access to menstrual products.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association, American Association of University Women of Hawaii, Planned Parenthood Votes Northwest and Hawaii, I Support The Girls - Hawaii, and four individuals.

Your Committee finds that the Department of Education provides students with free hygiene products such as toilet paper and hand soap in restrooms in order to maintain a healthy school environment, but does not provide free menstrual products. Your Committee notes that in the 2019-2020 school year, the Department of Education considered forty-seven percent of its public school students to be "economically disadvantaged" and further notes that a 2020 Aloha United Way report states that sixty percent of families in the State are struggling to meet basic needs due to the economic impact of the coronavirus disease 2019 pandemic. Your Committee further finds that lack of access to affordable menstrual products contributes to student absenteeism and tardiness. Accordingly, your Committee believes that the requests made in this measure are worthy of consideration and may help to improve gender equity on public school campuses and encourage more consistent school attendance.

As 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. 77 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1504 Ways and Means on S.C.R. No. 113

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a certain portion of state submerged lands in Kapaa, Kauai.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; Oceanit Laboratories, Inc.; and two individuals.

Your Committee notes that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands.

Your Committee finds that authorizing the Board of Land and Natural Resources to grant an easement for the portion of state submerged lands fronting the property identified as Tax Map Key: (4) 4-3-009: seaward of 041 will allow for the construction of a sandbag groin to hinder the littoral drift occurring at, and continued erosion of, Kuhio beach in Kapaa, Kauai.

Your Committee has amended this measure by:

- (1) Correcting references to "Tax Map Key: (4) 4-3-009: seaward of 50" and "Tax Map Key: (4) 4-3-009:50" to read "Tax Map Key: (4) 4-3-009: seaward of 41" and "Tax Map Key: (4)4-3-009:041", respectively; and
- (2) Inserting an account of the action taken by the Board of Land and Natural Resources at the March 25, 2021, meeting to approve the issuance of a revocable permit for the subject area.

As 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.C.R. No. 113, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 113, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1505 Ways and Means on S.C.R. No. 211

The purpose and intent of this measure is to urge the Department of Human Resources Development and the Department of Education to establish and offer a qualified Roth contribution program to their retirement plan participants.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments on this measure from the Department of Human Resources Development.

Your Committee finds that all retirement plans currently offered to state employees are traditional retirement plans that deduct contributions from the employee's pre-tax income, and therefore reduce the employee's taxable income and federal and state tax burden for that current year. However, all future distributions, including capital gains in the account, are treated as taxable income at the time of withdrawal.

Your Committee also finds that section 402A of the Internal Revenue Code allows certain employer retirement plans to have a qualified Roth contribution program, under which plan participants may designate some or all of their retirement contributions as designated Roth contributions and have them placed into their designated Roth accounts. Unlike traditional pre-tax retirement

contributions, an employee's designated Roth contribution is included in the employee's gross income in the year the contribution is made, while qualified distributions from the designated Roth account, including capital gains in the account, are not treated as taxable income at the time of withdrawal.

Your Committee further finds that the option of a designated Roth account will benefit many plan participants, especially employees whose retirement distributions will not occur until decades later, as the exclusion from taxable income of distributions from and capital gains accumulated in a designated Roth account may result in greater tax savings than the amount of tax that would be saved by making pre-tax contributions into a traditional retirement plan.

Your Committee has amended this measure by changing the program implementation date from July 1, 2022, to July 1, 2023.

As 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.C.R. No. 211, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 211, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1506 Ways and Means on S.R. No. 174

The purpose and intent of this measure is to urge the Department of Human Resources Development and the Department of Education to establish and offer a qualified Roth contribution program to their retirement plan participants.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments on this measure from the Department of Human Resources Development.

Your Committee finds that all retirement plans currently offered to state employees are traditional retirement plans that deduct contributions from the employee's pre-tax income, and therefore reduce the employee's taxable income and federal and state tax burden for that current year. However, all future distributions, including capital gains in the account, are treated as taxable income at the time of withdrawal.

Your Committee also finds that section 402A of the Internal Revenue Code allows certain employer retirement plans to have a qualified Roth contribution program, under which plan participants may designate some or all of their retirement contributions as designated Roth contributions and have them placed into their designated Roth accounts. Unlike traditional pre-tax retirement contributions, an employee's designated Roth contribution is included in the employee's gross income in the year the contribution is made, while qualified distributions from the designated Roth account, including capital gains in the account, are not treated as taxable income at the time of withdrawal.

Your Committee further finds that the option of a designated Roth account will benefit many plan participants, especially employees whose retirement distributions will not occur until decades later, as the exclusion from taxable income of distributions from and capital gains accumulated in a designated Roth account may result in greater tax savings than the amount of tax that would be saved by making pre-tax contributions into a traditional retirement plan.

Your Committee has amended this measure by changing the program implementation date from July 1, 2022, to July 1, 2023.

As 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. 174, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 174, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1507 Ways and Means on S.C.R. No. 14

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a perpetual, non-exclusive easement covering a certain portion of state submerged lands at Kaneohe, Koolaupoko, Oahu.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee notes that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for the disposition of state submerged lands.

Your Committee finds that portions of the existing storm drain fronting the property identified as Tax Map Key: (1) 4-4-021:038, Kaneohe, Koolaupoko, Oahu, were placed on state submerged lands. 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 storm drain encroachment.

As 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.C.R. No. 14 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1508 Ways and Means on S.C.R. No. 15

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a certain portion of state submerged lands located in Lahaina, Maui.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for the disposition of state submerged lands.

Your Committee also finds that portions of the existing walkway fronting the property identified as Tax Map Keys: (2) 4-3-002:026, 027, & 028, Napili 2 and 3, Lahaina, Maui, are located on state submerged lands. Your Committee further finds that, on June 28, 2019, under agenda item D-7, the Board of Land and Natural Resources approved a grant of a term, non-exclusive easement to resolve the walkway encroachment. Your Committee notes that the term of this easement is to run with the land and inure to the benefit of the abutting real property and to be coterminous with the term of the Grant of Non-Exclusive Easement No. S-5998, dated October 25, 2010.

As 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.C.R. No. 15, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1509 Ways and Means on S.C.R. No. 17

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a certain portion of state submerged lands at Waiohuli-Keokea Homesteads in Kihei, Maui.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the Board of Land and Natural Resources has identified portions of a seawall, rock revetment, and concrete steps fronting the property identified as Tax Map Key: (2) 3-9-012:003 as encroaching on state submerged lands.

Your Committee also finds that according to the Department of Land and Natural Resources' Office of Conservation and Coastal Lands, removal of the subject "seawall may destabilize seawalls and revetments at adjacent properties, potentially threatening upland structures", while allowing for the subject seawall to remain intact will "have no discernable effect on beach and recreational resources". Accordingly, your Committee believes that it is appropriate to authorize the Board of Land and Natural Resources to issue the term, non-exclusive easement for the existing seawall, rock revetment, and concrete steps, and for the use, repair, and maintenance of the existing improvements constructed thereon. Your Committee further finds that this measure expresses the requisite legislative approval required by section 171-53, Hawaii Revised Statutes, so that an easement may be issued for the use of those state submerged lands.

As 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.C.R. No. 17 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1510 Ways and Means on S.C.R. No. 18

The purpose and intent of this measure is to authorize the issuance of an easement for state submerged lands.

More specifically, this measure authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting property located in Waiohuli-Keokea Homesteads and Beach Lots, Kihei, Maui, for the maintenance and repair of the existing seawall and rock revetment, and for the use, repair, and maintenance of the existing improvements.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in the disposition of state submerged lands. The Board has identified portions of a seawall and rock revetment fronting the property identified as Tax Map Key: (1) 3-9-010:006, as encroaching upon state submerged lands. The previous owners of the abutting property have worked with the Department of Land and Natural Resources to resolve the encroachment and have paid the fair market value of \$71,100 for the easement. Your Committee further finds that this measure expresses the requisite legislative approval to permit an easement to be issued for the use of those state submerged lands.

As 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.C.R. No. 18 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1511 Ways and Means on S.C.R. No. 19

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 at Maunalua, on the island of Oahu, for the use, repair, and maintenance of an existing seawall.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the Board of Land and Natural Resources has identified portions of a seawall fronting the property identified as Tax Map Key: (1) 3-9-016:036, Maunalua, Honolulu, Hawaii, as encroaching on state submerged lands. Further, your Committee finds that the seawall encroachment onto state lands is minimal and that removal of the encroachment could threaten the integrity of the seawall and cause land loss and runoff onto adjoining properties. Accordingly, your Committee finds that the issuance of a term, non-exclusive easement would allow for the repair and maintenance of the seawall. Your Committee also finds that this measure expresses the requisite legislative approval required by section 171-53, Hawaii Revised Statutes, for the disposition of state submerged lands.

As 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.C.R. No. 19 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1512 Ways and Means on S.C.R. No. 87

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 2-6-010:017, Kuau, Hamakuapoko, Maui, for the existing seawall and concrete steps, and for use, repair, and maintenance of the existing improvements constructed thereon.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and Sea and Believe, LLC.

Your Committee notes that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for the disposition of state submerged lands.

Your Committee finds that portions of the existing seawall and concrete steps fronting the property identified as Tax Map Key: (2) 2-6-010:017, Kuau, Hamakuapoko, Maui, are located on state submerged lands. Your Committee also finds that, on September 11, 2020, under agenda item D-4, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the seawall and concrete steps encroachment.

Your Committee further finds that this measure expresses the requisite legislative approval required by section 171-53, Hawaii Revised Statutes, so that an easement may be issued for those state submerged lands.

As 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.C.R. No. 87 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1513 Ways and Means on S.C.R. No. 102

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a perpetual, non-exclusive easement covering portions of state submerged lands seaward of Tax Map Key: (1) 3-9-002: seaward of Kalanianaole Highway near the bridge at Maunalua, Oahu, Hawaii, for the construction and maintenance of a rock groin to slow the rate of sediment deposition into the entrance channel of the Hawaii Kai Marina.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, authorizes the Board of Land and Natural Resources to lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee also finds that the Board, subject to certain conditions, approved the issuance of a perpetual, non-exclusive easement to the Hawaii Kai Marina Community Association for the replacement of an existing deteriorating sandbag groin with a new, larger, and permanent rock rubble mound revetment and groin. Your Committee believes that the easement is necessary to allow the construction and maintenance of a rock groin to reduce the rate of sediment deposition in the entrance channel of the Hawaii Kai Marina.

As 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.C.R. No. 102, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1514 Ways and Means on S.C.R. No. 141

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Wailea, on the island of Maui, for the use, repair, and maintenance of an existing stairway.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee notes that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for the disposition of state submerged lands.

Your Committee finds that portions of the existing beach access stairway fronting the property identified as Tax Map Key: (2) 2-1-008: seaward of 069, Wailea, Maui, are located on state submerged lands. Your Committee further finds that, on January 22, 2021, under agenda item D-5, the Board of Land and Natural Resources approved the issuance of a twenty-five-year term, non-exclusive easement to resolve the beach access stairway encroachment.

As 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.C.R. No. 141, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1515 (Majority) Water and Land on S.C.R. No. 207

The purpose and intent of this measure is to request the review and approval of an action taken by the Board of Land and Natural Resources on a land exchange of the land owned by Parker Land Trust identified as Tax May Key: (3) 6-7-002:062 and the State of Hawaii for state land identified as Tax Map Key: (3) 6-7-003:020, Waikoloa, Waimea, South Kohala, Hawaii.

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

Your Committee finds that, pursuant to section 171-50, Hawaii Revised Statutes, the Board of Land and Natural Resources may execute a land exchange of public land for private land with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee notes that this measure also was transmitted to the Office of Hawaiian Affairs pursuant to section 171-50, Hawaii Revised Statutes, and the Office of Hawaiian Affairs did not oppose the land exchange.

Your Committee further finds that at its meeting of August 28, 2020, under agenda item D-3, the Board of Land and Natural Resources, in principle, approved a land exchange between the State of Hawaii and Parker Land Trust. The proposed land exchange conveys an approximately 0.5368 acre of vacant and unencumbered state land at Waikoloa, Hawaii, valued at \$19,400, in exchange for an approximately 0.3420 acre of vacant private land owned by Parker Land Trust, valued at \$250,000. Your Committee concludes that this land exchange will benefit the public as it will facilitate the construction of a United States Post Office and resolve an access issue with Ala Ohia Road.

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. 207 and recommends its adoption.

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

SCRep. 1516 Judiciary on H.B. No. 199

The purpose and intent of this measure is to:

- Repeal the requirement that election proclamations contain a statement of the time and places where an election is to be held;
- (2) Specify that the County Clerk, not the Chief Election Officer, shall issue an election proclamation listing information on voter service centers and places of deposit.

Your Committee received testimony in support of this measure from the Office of Elections, Common Cause Hawaii, LGBT Caucus of the Democratic Party of Hawaiii, and eight individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that since the establishment of vote-by-mail throughout the State, many of the procedural requirements for the conduct of elections are out of date. Because elections now take place over a longer period of time during which voters may submit ballots via the mail or in person at a place of deposit or voter service center, a statement of the time and place in which an election is to be held is no longer relevant to voters. Your Committee further finds that specifying that the County Clerk, not the Chief Election Officer, shall issue election proclamations related to voter service centers and places of deposit will ensure timelier issuance and dissemination of information to voters because the county clerks are charged with establishing the centers and places of deposit.

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. 199, 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, 7. Noes, none. Excused, none.

SCRep. 1517 (Majority) Judiciary on H.B. No. 891

The purpose and intent of this measure is to regulate the sale and use of electric guns and cartridges.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Honolulu Police Department, Hawai'i Police Department, and Kaua'i Police Department. Your Committee received testimony in opposition to this measure from the Hawai'i Firearms Coalition and ten individuals.

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 bans on electric guns. Your Committee further finds that a pending lawsuit in the United Stated District Court for the District of Hawaii is seeking a declaratory judgment and injunction to invalidate Hawaii's electric gun ban. This measure repeals the ban on electric guns and replaces it with regulations and rules on the use, storage, transfer, disposal, and purchase of electric guns and electric projectile guns. Your Committee additionally finds that this measure is necessary to ensure public safety and prevent the purchase, possession, and use of electric guns by the public from becoming completely unregulated and uncontrolled in any way.

Your Committee has amended this measure by:

- (1) Making the regulations on the sale and use of electric guns and cartridges applicable after December 31, 2021;
- (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. 891, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 891, 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; Ayes with Reservations (Acasio). Noes, 1 (Fevella). Excused, 2 (Gabbard, Keohokalole).

SCRep. 1518 Judiciary on H.B. No. 416

The purpose and intent of this measure is to prohibit:

- (1) Specified trolleys, trolleys with swivels, 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) 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) Tethering or restraining a dog with a tow or log chain; and
- (4) 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.

Your Committee received testimony in support of this measure from the Humane Society of the United States, Hawaiian Humane Society, Healthy Pets United, Animal Rights Hawai'i, Domestic Violence Hurts Animals and People, Pono Advocacy, Animal Interfaith Alliance in Britain, and forty-one individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that tethering a dog in manners that cause injuries; preventing access to food, water, or shelter; or isolating an animal from opportunities to bond with their human families adversely affects the health and safety of dogs and can lead to further aggressive behavior. Your Committee further finds that vagueness in existing law makes it difficult for law enforcement officers to take action before an improperly tethered or restrained dog has suffered serious injury or death. This measure establishes clear guidelines for dog owners and law enforcement officers on what legally constitutes proper tethering.

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 H.B. No. 416, 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. 416, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Fevella).

SCRep. 1519 Judiciary on H.B. No. 352

The purpose and intent of this measure is to:

- Clarify that the secondhand dealers law applies to secondhand dealers' operation of an automated recycling kiosk that only
 accepts handheld electronic devices for recycling; and
- (2) Specify the retention requirements for secondhand dealers that operate an automated recycling kiosk.

Your Committee received testimony in support of this measure from ecoATM-Gazelle and Retail Merchants of Hawaii. Your Committee received testimony in opposition to this measure from the Hawaii Pawnbrokers Association and Kamaaina Loan.

Your Committee finds that electronic waste kiosks, or automated recycling kiosks, provide a resource for consumers to sell their old cell phones, which are then collected and recycled or refurbished. Automated recycling kiosks have modernized electronic waste recycling and have diverted more than seven million pounds of electronic waste from local landfills across the country. Your Committee further finds that every other state in the country has adopted legislation to recognize the use of automated recycling kiosks. This measure enables automated recycling kiosks to operate in Hawai'i and requires secure storage of items off-site during the extended holding period.

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. 352, 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, 2 (Keohokalole, Fevella).

SCRep. 1520 Judiciary on Gov. Msg. No. 520

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF REGISTRATION OF THE ISLANDS OF MAUI, MOLOKA'I, LANA'I, AND KAHO'OLAWE

G.M. No. 520 KECIA SAKUGAWA, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Kecia Sakugawa for service on the Board of Registration of the Islands of Maui, Moloka'i, Lāna'i, and Kaho'olawe.

Your Committee did not receive any testimony on the nomination for the reappointment of Kecia Sakugawa.

Your Committee finds that the Boards of Registration hear and decide appeals that arise from voter challenges or a county clerk's decision regarding voter registration, and they are vital to the transparency and integrity of the State's elections. Your Committee notes that Kecia Sakugawa has substantial experience as a social worker and case manager, in addition to experience and training in other areas of community involvement and public service, and is currently a member of the Board of Registration of the Islands of Maui, Moloka'i, Lāna'i, and Kaho'olawe. Your Committee further finds that her commitment to ensuring fairness in the process of registering and counting votes will continue to be an asset to the Board.

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, 7. Noes, none. Excused, none.

SCRep. 1521 Commerce and Consumer Protection on H.B. No. 223

The purpose and intent of this measure is to require massage therapy licensees to complete twelve hours of continuing education within the two-year period preceding the license renewal date beginning July 1, 2022, of which two hours shall include first aid, cardiopulmonary resuscitation, or emergency related courses.

Your Committee received testimony in support of this measure from the Board of Massage Therapy, American Massage Therapy Association – Hawaii Chapter, and one individual.

Your Committee finds that Hawaii residents should be assured that they are being treated by qualified professionals who have studied the most current trends and best practices in the industry and are qualified to respond in cases of emergency. Your Committee notes that forty other states require continuing education for the renewal of massage therapy licenses, and this measure will elevate the massage therapy profession in Hawaii to the highest standards of quality and safety.

Your Committee notes the concerns raised in testimony that the commencement date of July 1, 2022, may be too early and that more time is requested to provide ample notice to affected licensees and enable licensees to complete the continuing education requirements contemplated by this measure. Accordingly, amendments to this measure are necessary to address this concern.

Your Committee has amended this measure by:

- (1) Clarifying that the continuing education requirements shall be applicable to the renewal for the licensing biennium commencing on July 1, 2024;
- (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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 223, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 223, 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. Noes, none. Excused, none.

SCRep. 1522 Commerce and Consumer Protection on H.B. No. 599

The purpose and intent of this measure is to:

- (1) Clarify that planned community associations may conduct meetings remotely consistent with the Hawaii Nonprofit Corporations Act; and
- (2) Authorize condominium associations to conduct electronic meetings and electronic, machine, or mail voting in a state of emergency or local state of emergency, or any meeting noticed during such emergencies and for which the applicable emergency has since expired.

Your Committee received testimony in support of this measure from the Hawai'i State Association of Parliamentarians Legislative Committee, Community Associations Institute Hawaii Legislative Action Committee, Palehua Townhouse Association, Associa, Honolulu Tower AOAO, Hawaii Council of Associations of Apartment Owners, and six individuals.

Your Committee finds that, due to coronavirus disease 2019 pandemic restrictions and social distancing requirements, it has been difficult, if not impossible, for many associations to hold annual meetings. Your Committee notes this measure reflects consensus language between stakeholders to clarify that planned community associations may hold meetings remotely; enable condominium associations to hold electronic meetings and use electronic, machine, and mail voting for annual and special association meetings during any period in which there is a state of emergency or local state of emergency; and allow condominium associations to hold electronic meetings when there is no state of emergency if otherwise authorized by the association's governing documents. This measure will therefore lend associations greater flexibility to continue to conduct their important business when face-to-face meetings are not possible or during other states of emergency.

Your Committee has amended this measure by:

- (1) Clarifying the notice requirements for regular, annual, and special planned community association meetings;
- (2) Inserting language clarifying certain conflicting provisions in section 541B-121, Hawaii Revised Statutes;
- (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 record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 599, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 599, 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 (Fevella).

SCRep. 1523 Commerce and Consumer Protection on H.B. No. 561

The purpose and intent of this measure is to:

- (1) Require the Public Utilities Commission to determine whether analysis of the effect of the State's reliance on fossil fuels is necessary for proceedings involving water, wastewater, or telecommunications providers on an individual basis; and
- (2) Provide that the analysis is not required for an electric or a gas utility's routine system replacements or determinations that do not pertain to capital improvements or operations.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Public Utilities Commission, Hawai'i Gas, Environmental Caucus of the Democratic Party of Hawai'i, Land Use Research Foundation of Hawaii, Hawaiian Electric Company, Hawaii Clean Power Alliance, and two individuals. Your Committee received testimony in opposition to this measure from Earthjustice; Pele Lani Farm, LLC; Climate Protectors Hawai'i; and twenty-five individuals. Your Committee received comments on this measure from Life of the Land, Hawaii Forest Stewards, Kauai Women's Caucus, and eleven individuals.

Your Committee finds that fossil fuels can negatively impact the environment and its price volatility can further negatively impact consumers. It is therefore important to examine the impacts of fossil fuels used by utilities, including water, wastewater, and telecommunications providers. This measure provides clarity regarding the types of proceedings before the Public Utilities Commission (Commission) that will require additional procedural steps, such as extensive greenhouse gas analyses, and will further improve administrative processes by exempting certain routine applications from these analyses.

Your Committee notes the concerns raised in testimony that this measure, in its current form, only addresses the analysis relating to fossil fuels and does not address the equally harmful effects of biomass. Your Committee finds that it is important for the Commission to analyze biomass emissions if biomass is contemplated for electricity generation in projects within the purview of the Commission. Amendments to this measure are therefore necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Updating section 1 to reflect its amended purpose;
- (2) Clarifying that, in making determinations of the reasonableness of the costs pertaining to fossil fuel or biomass sourced electricity or gas utility system capital improvements and operations, the Commission shall explicitly consider the effect of the State's reliance on fossil fuels and biomass on certain factors;
- (3) Clarifying that the Commission's analysis shall not be required for a utility's routine system replacements or determinations that do not pertain to capital improvements or 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 561, 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. 561, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1524 Commerce and Consumer Protection on H.B. No. 302

The purpose and intent of this measure is to:

- (1) Authorize advanced practice registered nurses to order and certify home health care for Medicare beneficiaries;
- (2) Authorize advanced practice registered nurses to certify whether a person is totally disabled under the state income tax code;
- (3) Authorize advanced practice registered nurses to make capacity determinations; and
- (4) Add advanced practice registered nurses as primary providers in advance mental health care directives.

Your Committee received testimony in support of this measure from the Board of Nursing, Hawaii Substance Abuse Coalition, The Queen's Health Systems, Hawaii American Nurses Association, Hawaii'i Psychological Association, Hawaii'i State Center for Nursing, and two individuals. Your Committee received comments on this measure from the Department of Taxation, Healthcare Association of Hawaii, and Prime Care Services Hawaii.

Your Committee finds that advanced practice registered nurses (APRNs) are recognized as primary care providers who may practice independently based on their practice specialty, including psychiatric mental health. Existing law authorizes APRNs to sign, certify, and endorse all documents relating to health care within their scope of practice in caring for their patients. APRNs further play a significant role in providing care to underserved communities and underinsured patients. This measure removes barriers in existing law to enable APRNs to exercise their full scope of practice and expands access to important healthcare services for Hawaii residents.

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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 302, 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. 302, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1525 Commerce and Consumer Protection on H.B. No. 471

The purpose and intent of this measure is to make permanent the regulation of behavior analysts.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Education, Department of Health, Hawaii State Teachers Association, Council of Autism Service Providers, Hawaii Association for Behavior Analysis, Hawaii Disability Rights Center, BAYADA Behavioral Analysis, Together For Our Keiki, and twenty-one individuals.

Your Committee finds that, since Hawaii enacted its regulatory and licensing structure for the practice of applied behavior analysis, nearly five hundred behavior analysts have been licensed and over one thousand five hundred registered behavior technicians have been credentialed under their supervision in the State. As a result, several thousand keiki and other individuals have received access to applied behavior analysis services. Your Committee further notes the Auditor's Sunset Evaluation Report, dated December 2020, which supports the continued regulation of the applied behavior analysis profession. This measure will continue the regulation of the practice of behavior analysis to protect consumers from unqualified practitioners and unprofessional conduct and will ensure high quality services for those who require them.

Your Committee notes the concerns raised in testimony that this measure's effective date may create an unintentional lapse in regulation, as the regulatory program for behavior analysts is currently scheduled to repeal on June 30, 2021, under existing law. Therefore, an amendment to this measure is necessary to address this concern.

Your Committee has amended this measure by inserting an effective date of June 29, 2021.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 471, 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. 471, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1526 Commerce and Consumer Protection on H.B. No. 264

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 Committee received testimony in support of this measure from the Department of Transportation; Hawaii Insurers Council; Uber Technologies, Inc.; and one individual. Your Committee received testimony in opposition to this measure from Robert's Hawaii, Inc. and Hawaii Transportation Association.

Your Committee finds that, under existing law, transportation network company driver screening and other important operating requirements are mandated only for the City and County of Honolulu, not for all islands across the State. This measure incorporates consensus language between stakeholders to enable the Department of Transportation to issue permits and conduct annual audits to increase public safety and ensure transportation network companies and their drivers are properly regulated uniformly across the State.

Your Committee has amended this measure by:

- (1) Clarifying that all permit fees collected by the Director of Transportation shall be deposited into the State Highway Fund established by section 248-9. Hawaii Revised Statutes;
- (2) Inserting an effective date of July 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 264, 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. 264, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1527 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. Nos. 664 and 665

Recommending that the Senate advise and consent to the nominations of the following:

LAW ENFORCEMENT STANDARDS BOARD

G.M. No. 664 SAMUEL JELSMA, for a term to expire 06-30-2024; and

G.M. No. 665 HARRY KUBOJIRI, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Samuel Jelsma and Harry Kubojiri 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 County of Hawai'i Police Department and County of Maui Police Department.

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-nine years of experience in law enforcement services with the Hawaii County Police Department. Mr. Jelsma has held various ranks in the Hawaii County Police Department, including Major, Captain, and Lieutenant. Mr. Jelsma is currently serving as the Assistant Police Chief of the Hawaii County Police Department's Administrative Bureau. According to testimony, Mr. Jelsma is said to have the highest moral character. 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.

HARRY KUBOJIRI

Your Committee received testimony in support of the nomination for the appointment of Harry Kubojiri from the County of Hawai'i Police Department and County of Maui Police Department.

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 County 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

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, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1528 Ways and Means on H.B. No. 189

The purpose and intent of this measure is to authorize the Chief Justice of the Hawaii Supreme Court to designate circuit court judges, retired intermediate appellate judges, or retired supreme court justices to temporarily fill vacancies on the Intermediate Court of Appeals.

Your Committee received written comments in support of this measure from the Judiciary; Appellate Section of the Hawaii State Bar Association; civil practitioners, including former presidents of the Hawaii State Bar Association; and one individual.

Your Committee finds that the authorization provided by this measure would allow the Intermediate Court of Appeals to maintain its full complement of six judges to more efficiently address the court's heavy case load.

As affirmed by the record of votes of the members 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. 189, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1529 Ways and Means on H.B. No. 631

The purpose of this measure to is to accommodate within the justice system certain traffic violators who are facing financial hardship.

More specifically, the measure:

- Authorizes courts to adjust, based on a person's ability to pay, the amount owed or installments to be paid by a person who
 violates certain traffic offenses;
- (2) Amends the ratio of imprisonment term to contumacious nonpayment, from a maximum of one day for each \$25 of a fee or fine, to a maximum of one day for each \$250 of a fee or fine; and
- (3) Increases the amount of credit given to a person committed for contumacious nonpayment, from \$25 per day to \$250 per day.

Your Committee received written comments in support of this measure from the Office of the Public Defender, Neighborhood Place of Puna, Community Alliance on Prisons, and three individuals.

Your Committee received written comments on this measure from the Department of the Prosecuting Attorney, City and County of Honolulu.

Your Committee finds that the Financial Hardship Task Force, among other matters, made several recommendations for improving the processing of certain traffic offense to address individuals facing financial hardship. Your Committee notes that this measure implements a number of the recommendations made by the task force.

As affirmed by the record of votes of the members 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. 631, 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, none.

SCRep. 1530 Ways and Means on H.B. No. 1115

The purpose and intent of this measure is to require that moneys received from civil litigation in which the State is a party shall be deposited into the emergency and budget reserve fund, unless required to be deposited elsewhere.

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

Your Committee finds that due to the ongoing economic impact of the coronavirus disease 2019 pandemic, moneys from the emergency and budget reserve fund were transferred out of the fund causing the fund balance to decrease from \$378,237,160 on June 30, 2019, to \$58,880,670 on June 30, 2020. Accordingly, your Committee finds that authorizing the deposit of certain moneys received by the State through civil litigation will help to replenish the emergency and budget reserve fund.

As affirmed by the record of votes of the members 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. 1115, 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, 8. Noes, none. Excused, 3 (Shimabukuro, Taniguchi, Wakai).

SCRep. 1531 Judiciary on Jud. Com. No. 35

Recommending that the Senate consent to the appointment of the following:

DISTRICT FAMILY COURT OF THE THIRD CIRCUIT

J.C. No. 35 JEFFREY W. NG, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by Jeffrey W. Ng for appointment to the District Family Court of the Third Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Jeffrey W. Ng from the State Public Defender, Big Island Junior Golf Association, the Honorable Barbara T. Takase-retired, the Honorable Derrick H.M. Chan-retired, the Honorable Michael A. Town-retired, and forty-six individuals. Your Committee received comments on the appointment of Jeffrey W. Ng from the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of District Family Court Judge of the Third Circuit based on established criteria for determining the qualifications of judicial appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and ability to perform the responsibilities and duties required of the position for which the applicant has been appointed. The Board's rating system includes the categories of "qualified" and "not qualified".

Mr. Ng received his Bachelor of Arts degree in Economics from the University of Michigan. He later received his Doctor of Jurisprudence from the William S. Richardson School of Law, after which he served as a law clerk for the Honorable Derrick H.M. Chan on the First Circuit Court of the State of Hawaii.

Since 2012, Mr. Ng has worked as Supervising Attorney for the Hilo Office in the Office of the Public Defender. Prior to taking that position, he served as a deputy public defender in the Office of the Public Defender in Honolulu since 2003. His current duties primarily include defending clients in bench and jury trials; researching, drafting, and arguing substantive motions; and providing advice and counsel to clients. In his practice, he has handled complex cases involving mental health and emotional disturbance issues and novel questions of court procedure, among other issues.

Mr. Ng has been involved in the legal community throughout his career, having served as both President and Vice-President of the Hawaii County Bar Association. He is an apprentice mediator at Ku'ikahi Mediation Center, and has been a member of the Hawaii' Access to Justice Foundation's Committee on Initiatives to Enhance Civil Justice. In addition, he has served as an assistant baseball coach in the Andrews Athletic Association and Chairperson of the Hawaii County Bar Association's Annual Scholarship Golf Tournament.

Testimony submitted in support of Mr. Ng's appointment commend his professionalism, integrity, and legal knowledge. During his tenure at the Office of the Public Defender, he has demonstrated a capacity to treat each individual with dignity, respect, and compassion. Numerous testifiers praised his deep commitment to ensuring fair and equitable access to justice for his clients, regardless of their background or status.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about him and his qualifications, Jeffrey W. Ng has the experience,

temperament, and other competencies to be a District Family Court Judge of the Third Circuit, and he has the legal expertise, integrity, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

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 appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Keohokalole, Kim, Fevella). Noes, none. Excused, none.

SCRep. 1532 Ways and Means on H.B. No. 765

The purpose and intent of this measure is to appropriate moneys to the Hawaii Emergency Management Agency for the acquisition of mobile communications, water, and power services capabilities that may be deployed to each county as needed.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments on this measure from the Hawaii Emergency Management Agency.

Your Committee finds that recent disasters and other incidents throughout the State, including flooding, volcanic eruptions, fires, and the coronavirus disease 2019 pandemic, exemplify the State's need for mobile emergency response communications, power, and water services.

Your Committee has amended this measure by changing the effective date to July 1, 2051, to facilitate further discussion on the

As affirmed by the record of votes of the members 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. 765, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 765, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1533 Ways and Means on H.B. No. 776

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Pueo Development, LLC, in building a master planned community on Hawaiian Home Lands.

Your Committee received written comments in support of this measure from the Department of Hawaiian Home Lands; Pueo Development, LLC; Waimanalo Hawaiian Homes Association; Waiohuli Hawaiian Homesteaders Association, Inc.; and five individuals.

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

Your Committee finds that the special purpose revenue bonds authorized by this measure will support the development of low- and moderate-income housing, rental housing units, elderly care units, alternative energy systems, agriculture, and infrastructure.

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 H.B. No. 776, 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. 776, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1534 Ways and Means on H.B. No. 835

The purpose and intent of this measure is to appropriate moneys for the ongoing operations of the Hawaii National Guard Youth Challenge Program.

Your Committee received written comments in support of this measure from the Judiciary; Office of the Prosecuting Attorney of the County of Hawaii; Aina University; Family Tree Project, LLP; Frederick A. Nitta, M.D., Inc.; Hilo Y's Men and Women's Club; Hoola Na Pua; and numerous individuals.

Your Committee finds that appropriating moneys for the ongoing operations of the Hawaii National Guard Youth Challenge Program will allow for the continued provision of services to ensure that certain "at promise" youth are diverted from the juvenile justice system and learn structural and educational values and skills.

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 H.B. No. 835, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 835, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1535 Ways and Means on H.B. No. 941

The purpose and intent of this measure is to permit the Public Utilities Commission to use electronic filing processes and require that these processes comply with various federal laws and regulations to ensure equal access for individuals with disabilities.

Your Committee received written comments in support of this measure from the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs; Public Utilities Commission; Hawaiian Electric Company, Inc.; and one individual.

Your Committee finds that due to the coronavirus disease 2019 pandemic, the Public Utilities Commission has temporarily altered its filing processes to, among other things, only require the filing of electronic copies instead of filing both hard copies and electronic copies. Your Committee also finds that this measure will allow the Public Utilities Commission to modernize its filing practices on a permanent basis.

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 H.B. No. 941, 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. 941, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1536 Ways and Means on H.B. No. 943

The purpose and intent of this measure is to establish regulatory oversight of nondepository trust companies, which includes the framework for the Department of Commerce and Consumer Affairs to assess annual fees to offset the costs of regulations.

Your Committee received written comments in support of this measure from the Department of Commerce and Consumer Affairs and one individual.

Your Committee finds that nondepository trust companies operate much like the trust departments of banks but do not accept deposits or offer loans. Your Committee further finds that this measure will allow qualified nondepository trust companies to serve as fiduciaries that help to administer and manage the assets of a growing number of consumers who need assistance with asset management but do not qualify for the wealth management services provided by banks and large investment firms.

Your Committee has amended this measure by:

- (1) Making an appropriation out of the compliance resolution fund for fiscal years 2021-2022 and 2022-2023 to clarify the authority of the Division of Financial Institutions of the Department of Commerce and Consumer Affairs to expend \$4,000 of the fees collected pursuant to this measure to administer the nondepository trust company program created by the measure; 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 H.B. No. 943, 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. 943, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1537 Ways and Means on H.B. No. 1132

The purpose and intent of this measure is to authorize the issuance of general obligation bonds, the proceeds of which shall be appropriated into and out of the rental housing revolving fund for phase I of the construction of a senior affordable housing project.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority, AARP Hawaii, Hawaiian Humane Society, Catholic Charities Hawaii, Partners in Care, and four individuals.

Your Committee finds that the senior affordable housing project funded by this measure will help address the affordable housing crisis in the State, generate jobs, and help support local businesses.

Your Committee has amended this measure by:

- (1) Changing the amounts of the general obligation bonds authorized and the moneys appropriated to unspecified sums; 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 H.B. No. 1132, 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. 1132, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1538 Ways and Means on H.B. No. 79

The purpose and intent of this measure is to increase homeownership opportunities for residents of the State.

Specifically, this measure:

- (1) Establishes an affordable homeownership revolving fund, to be administered by the Hawaii Housing Finance and Development Corporation, to provide loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects; and
- (2) Appropriates funds from the affordable homeownership revolving fund to facilitate loans for the development of affordable for-sale housing projects.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation; Maui Chamber of Commerce; HOPE Services Hawaii; Hawaii Habitat for Humanity Association, Inc.; Hawaii Community Foundation; and three individuals.

The Department of Budget and Finance submitted written comments on the measure.

Your Committee finds that the loan funding provided by this measure will help to ease the State's affordable housing crisis by increasing the availability of affordable owner-occupied housing to meet demand.

Your Committee has amended this measure by:

- (1) Deleting the specific amounts appropriated and leaving them unspecified 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 H.B. No. 79, 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. 79, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1539 Ways and Means on H.B. No. 286

The purpose and intent of this measure is to facilitate the gathering of more accurate data regarding real estate investment trusts.

More specifically, this measure authorizes the Department of Taxation to require real estate investment trusts to notify the Department of their presence within the State and to annually report assets and revenues generated.

Your Committee received written comments in support of this measure from the Department of Taxation, Americans for Democratic Action, Democratic Party of Hawaii Education Caucus, Faith Action for Community Equity, Hawaii Children's Action Network Speaks!, Hawaii State Teachers Association, Imua Alliance, League of Women Voters of Hawaii, and seven individuals.

Your Committee received written comments in opposition to this measure from the Securities Industry Association of Hawaii.

Your Committee received written comments on this measure from Alexander and Baldwin; Douglas Emmett; NAIOP Hawaii; Nareit Hawaii; Park Hotels and Resorts, Inc.; and Tax Foundation of Hawaii.

Your Committee finds that real estate investment trusts play a significant role in Hawaii's economy. However, your Committee also finds that assets of and revenues generated by real estate investment trusts may not have been reported to and accurately recorded by the State. Your Committee believes that, as Hawaii faces major budget shortfalls this year and for several years to come, it is imperative that all business entities provide accurate reporting to the Department of Taxation of their assets and generated revenues.

Your Committee has amended this measure by:

- (1) Clarifying that the measure shall apply to taxable years beginning after December 31, 2021; 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. 286, 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. 286, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1540 Ways and Means on H.B. No. 606

The purpose and intent of this measure is to authorize the issuance of general obligation bonds, the proceeds of which are to be deposited into the dwelling unit revolving fund and rental housing revolving fund.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation, AARP Hawaii, Hawaiian Humane Society, Catholic Charities Hawaii, Partners in Care, Neighborhood Place of Puna, and two individuals.

Your Committee finds that the funds provided by this measure will support the construction of affordable rental housing, help reduce homelessness, and help address the State's affordable housing crisis.

Your Committee has amended this measure by changing the amounts of the general obligation bonds authorized to unspecified sums to facilitate further discussion on this 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 H.B. No. 606, 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. 606, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1541 Ways and Means on H.B. No. 683

The purpose and intent of this measure is to establish the sustainable aviation fuel program to provide matching grants to small businesses developing products related to sustainable aviation fuel or commercial aviation greenhouse gas reduction.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office, Airlines for America, Climate Protectors Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Imua Alliance, and eight individuals.

Your Committee received written comments on this measure from the Hawaii Technology Development Corporation and Office of Planning.

Your Committee finds that establishing a sustainable aviation fuel program will help to reduce greenhouse gas emissions and potentially create a new, valuable industry in the State.

Your Committee has amended this measure by:

- (1) Inserting a definition of the term "small business," which shall have the same meaning as in section 201M-1, Hawaii Revised Statutes:
- (2) Clarifying the definition of the term "sustainable aviation fuel" to include a reference to renewable aviation turbine fuel derived from organic sources, as described in section 269-91, Hawaii Revised Statutes; 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. 683, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 683, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1542 (Majority) Judiciary on H.B. No. 1029

The purpose and intent of this measure is to repeal Act 15, Special Session Laws of Hawaii 2009.

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

Your Committee finds that Act 15, Special Session Laws of Hawaii 2009 (Act 15), in part, establishes a Living Park Planning Council to develop a master plan for each state living park that will provide the framework, proposed rules, measurements for success, and planning process to ensure that the living park achieves its purpose and goals. Your Committee further finds that, after ten years, over eighty meetings, and the retention of a private planning contractor, there has been no progress made on the Ahupua'a 'O Kahana State Park master plan and there has been no further discussion to establish a master plan nor to convene the Living Park Planning Council.

Although the Living Park Planning Council structure has not been proven to be productive, your Committee notes that Act 15 established an eviction moratorium and authorized the Department of Land and Natural Resources to issue long-term residential leases in addition to establishing the Living Park Planning Council. Because the title of this measure is specifically limited to living park planning councils, your Committee finds that repealing Act 15 in its entirety would bring this measure into conflict with the requirement under article 3, section 14, of the Hawaii State Constitution, that "[each] law shall embrace but one subject, which shall be expressed in its title".

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that repeals Act 15 in its entirety;
- (2) Amending Act 15 by:
 - (A) Repealing sections that establish the Living Park Planning Council; and
 - (B) Authorizing the Department of Land and Natural Resources to oversee development and implementation of a master plan for the Kahana community; 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. 1029, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1029, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Fevella). Noes, 1 (Acasio). Excused, none.

SCRep. 1543 Judiciary on H.B. No. 391

The purpose and intent of this measure is to establish a process for the early termination of a rental agreement for certain active duty servicemembers who receive military orders to vacate civilian housing and move into on-post government quarters or die while serving on active duty.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Hawai'i Association of REALTORS.

Your Committee finds that a servicemember who becomes divorced, no longer has dependents, or does not have physical custody of children may lose their housing allowance. In such an event, the servicemember is required to move into barracks, regardless of any valid lease to which they are a party. Your Committee further finds that this measure will help to ensure that servicemembers will not have to face evictions or serious financial hardship if they are no longer eligible for a basic housing allowance and need to terminate a residential lease for off-post housing.

Your Committee has amended this measure by:

- (1) Clarifying that the written notice of early termination of a rental agreement is required to be accompanied by written proof that a servicemember tenant's request to maintain their housing allowance has been denied and either a copy of official military orders or a written verification signed by the servicemember tenant's commanding officer;
- (2) Inserting an effective date of November 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. 391, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 391, H.D. 3, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 1544 Ways and Means on H.B. No. 871

The purpose and intent of this measure is to establish an agricultural enterprise program within the Department of Agriculture to promote and support diversified agriculture and increase the State's agricultural self-sufficiency.

Specifically, this measure:

- Authorizes the Department of Agriculture or its lessees to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure and improvements on any lands under the Department's jurisdiction to support and promote agriculture;
- (2) Requires the Department of Agriculture to administer an agricultural enterprise program to manage, under rules adopted by the Board of Agriculture, qualifying agricultural enterprise lands and agricultural enterprises transferred from the Department of Land and Natural Resources; and
- (3) Establishes the agricultural enterprise special fund.

Your Committee received written comments in support of this measure from the Department of Agriculture; University of Hawaii; Hawaii Farm Bureau; Hawaii Aquaculture and Aquaponics Association; East Oahu County Farm Bureau; Larry Jefts Farms, LLC; Hawaii Food+Policy Internship Program; Hawaii Cattlemen's Council; Local Food Coalition; Land Use Research Foundation of Hawaii; Ulupono Initiative; Kalera, Inc.; Hawaii Crop Improvement Association; AG Matters, LLC; and eight individuals.

Your Committee finds that the agriculture industry must adapt to rapid developments in agricultural technology and methodology in order to meet the food sustainability goals of the State. Your Committee further finds that the flexibility provided by this measure to the Department of Agriculture in its disposition of public lands will help to modernize the industry by allowing and promoting innovative approaches that optimize productivity; supporting and promoting agriculture through various means including farmers markets, food hubs, and processing facilities; and fostering agricultural education and training.

As affirmed by the record of votes of the members 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. 871, 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, none.

SCRep. 1545 Ways and Means on H.B. No. 434

The purpose and intent of this measure is to help ensure the safe operation of tour aircraft.

Specifically, this measure requires the Director of Transportation to adopt administrative rules that require applicants for tour aircraft operations permits to:

- (1) Have commercial general liability insurance coverage of not less than \$10,000,000; and
- (2) Provide a report to the Department of Transportation of each tour operation that occurred during the duration of the expiring permit.

Your Committee received written comments in support of this measure from the Oahu Tour Helicopter Safety and Noise Inter-Action Group and one individual.

Your Committee received written comments in opposition to this measure from the Aircraft Owners and Pilots Association, Hawaii Helicopter Association, Helicopter Association International, and Jack Harter Helicopters.

Your Committee finds that this measure will help to minimize the number of future helicopter and small aircraft accidents and mitigate the potential losses resulting from these accidents.

As affirmed by the record of votes of the members 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. 434, 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, none.

SCRep. 1546 Ways and Means on H.B. No. 525

The purpose and intent of this measure is to authorize the construction of teacher housing on any public school campus.

Specifically, this measure:

- (1) Requires the Department of Education to partner with the Hawaii Public Housing Authority, Hawaii Housing Finance and Development Corporation, and School Facilities Agency for any teacher housing facility that the Department of Education may construct on a public school campus; and
- (2) Sets out eligibility requirements for the rental of on-campus teacher housing units to public school teachers.

Your Committee received written comments in support of this measure from the Department of Education, Hawaii Public Housing Authority, Hawaii Housing Finance and Development Corporation, Hawaii State Teachers Association, and two individuals.

The Hawaii Government Employees Association submitted written comments on the measure.

Your Committee finds that the construction of on-campus housing facilities authorized by this measure will help the State to recruit and retain more public school teachers by significantly reducing their housing costs, especially in geographically isolated and high-priced residential rental locations.

As affirmed by the record of votes of the members 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. 525, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1547 Judiciary on Gov. Msg. No. 713

Recommending that the Senate advise and consent to the nomination of the following:

CIVIL RIGHTS COMMISSION

G.M. No. 713 WILLIAM PUETTE, for a term to expire 06-30-2025

Your Committee has reviewed the personal history, curriculum vitae, and statement submitted by the nominee and finds William Puette, Ph.D, to possess the requisite qualifications to be nominated for reappointment to the Hawai'i Civil Rights Commission.

Your Committee received testimony in support of the nomination for the reappointment of William Puette from the Hawai'i Civil Rights Commission; Democratic Party of Hawai'i; Hawaii State AFL-CIO; United Public Workers, AFSCME Local 646, AFL-CIO; and two individuals.

Upon review of the testimony, your Committee finds that Dr. Puette brings a wealth of experience and expertise to the Hawai'i Civil Rights Commission, as well as an impressive record of demonstrated commitment to civil rights for the people of the State. Your Committee notes that Dr. Puette has been a Commissioner since 2019, and that his background in labor education and as a professional parliamentarian have added valuable perspective to the work of the Commission. Additionally, Dr. Puette is a faculty member at the University of Hawai'i West O'ahu Center for Labor Education and Research, and the principles of fairness and equity permeate his work at that institution. Your Committee further finds that Dr. Puette's experience, professionalism, and commitment to advancing civil rights for the people of the State will continue to be great assets to the Hawai'i Civil Rights Commission.

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, 7. Noes, none. Excused, none.

SCRep. 1548 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 546

Recommending that the Senate advise and consent to the nomination of the following:

ADVISORY BOARD ON VETERANS' SERVICES

G.M. No. 546 ROXANNE BRUHN, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Roxanne Bruhn for service on the Advisory Board on Veterans' Services.

Your Committee received testimony in support of the nomination for the appointment of Roxanne Bruhn from the State Office of Veterans Services, State Advisory Board on Veterans' Services, and six individuals.

Upon review of the testimony, your Committee finds that Ms. Bruhn's background and passion for advocating on behalf of the veteran population qualify her to be nominated for appointment to the Advisory Board on Veterans' Services. Your Committee further finds that Ms. Bruhn has over thirty-one years of distinguished service in the United State Air Force. Your Committee notes that Ms. Bruhn was an invaluable member of the State Office of Veterans Services as a staunch advocate for veterans. Your Committee

also notes that while on the Hawaii Women's Military Veterans Task Force as Vice-Chair in 2012, the task force developed a viable charter, established a web page for women veterans, and participated in several key-note events that highlighted women in the military and veterans. Your Committee therefore recommends that Ms. Bruhn be appointed to the Advisory Board on Veterans' Services based on her knowledge, leadership, integrity, and dedication.

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, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1549 Hawaiian Affairs on Gov. Msg. No. 576

Recommending that the Senate advise and consent to the nomination of the following:

HAWAIIAN HOMES COMMISSION

G.M. No. 576 DAVID KAAPU, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by David Kaapu for service on the Hawaiian Homes Commission.

Your Committee received testimony in support of the nomination for the reappointment of David Kaapu from the Department of Hawaiian Home Lands, two Commissioners of the Hawaiian Homes Commission, and four individuals.

Upon review of the testimony, your Committee finds that Mr. Kaapu's background in law and extensive experience on the Hawaiian Homes Commission qualify him to be reappointed to the Hawaiian Homes Commission. Your Committee notes that Mr. Kaapu is an attorney who specializes in quiet title, business law, estate planning, general litigation, and land use. Mr. Kaapu has been a Commissioner of the Hawaiian Homes Commission for seven years and currently serves as the Vice Chairman for the Commission, where he utilizes his legal knowledge to assist the Commission to make well-informed decisions on various matters. Mr. Kaapu has also conducted contested case hearings and drafted findings of facts and conclusions of law when the Chairman has been conflicted for contested case hearings. His experiences serving on permitted interaction committees, including his current membership on the Pastoral Committee, Investment Committee, and the King's Landing Committee provides necessary institutional knowledge key to the operation of the Hawaiian Homes Commission.

Mr. Kaapu has also served on a number of boards, including the Hawaii State Bar Association, West Hawaii Bar Association, Friends of NELHA, Hawaii Community Federal Credit Union, and Agricultural Leadership Foundation of Hawaii. Your Committee finds that Mr. Kaapu's dedication to the community and background and knowledge in law will continue to make him an asset to the Hawaiian Homes Commission.

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 (Acasio, Fevella). Noes, none. Excused, 1 (Ihara).

SCRep. 1550 (Majority) Hawaiian Affairs on Gov. Msg. Nos. 577 and 578

HAWAIIAN HOMES COMMISSION

G.M. No. 577 MICHAEL KALEIKINI, for a term to expire 06-30-2025; and

G.M. No. 578 DENNIS NEVES, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Michael Kaleikini and Dennis Neves for service on the Hawaiian Homes Commission.

MICHAEL KALEIKINI

Your Committee received testimony in support of the nomination for the appointment of Michael Kaleikini from the Department of Hawaiian Home Lands, Panaewa Hawaiian Home Lands Community Association, two Commissioners of the Hawaiian Homes Commission, and one individual. Your Committee received testimony in opposition to the nomination for the reappointment from fifteen individuals.

Upon review of the testimony, your Committee finds that Michael Kaleikini possesses a background in plant operations, community engagement, administration, and business development, has experience on the Hawaiian Homes Commission, and is dedicated to serving the public. 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.

While your Committee commends Mr. Kaleikini for his willingness to serve and acknowledges his extensive experience in business management, the Committee noted concerns that Mr. Kaleikini may seek to advance business interests at the expense of Hawaiian Homes Commission Act beneficiary interests and has concerns about his lack of proactive community engagement. Additionally, homestead associations across East Hawaii established an open community application and selection process for the East Hawaii Hawaiian Homes Commissioner seat, in which Mr. Kaleikini did not participate.

Due to the above concerns regarding Mr. Kaleikini, the members of your Committee were equally divided upon taking the vote on the Chair's recommendation to advise and consent to Mr. Kaleikini's nomination for appointment to the Hawaiian Homes Commission. This resulted in the recommendation not being adopted by your Committee; nevertheless, the nomination will move to the Senate floor for a final vote pursuant to Senate Rule 37.

DENNIS NEVES

Your Committee received testimony in support of the nomination for the appointment of Dennis Neves from the Department of Hawaiian Home Lands, two Commissioners from the Hawaiian Homes Commission, and five individuals. Your Committee received testimony in opposition to the nomination for the reappointment from two individuals.

Upon review of the testimony, your Committee finds that Mr. Neves' background, experience, and current service on the Commission qualify him for nomination for reappointment to the Hawaiian Homes Commission as a representative of the County of Kauai. Mr. Neves' career at San Francisco International Airport reflects continuing and increasing responsibilities and his final position as Terminal Systems Manager involved project management and contracting responsibilities. After his return to Hawaii, Mr. Neves held the position of Airport District Manager for Kauai Airports where he coordinated airport daily activities with the Transportation Security Administration, United States Department of Agriculture, and Federal Aviation Administration. Mr. Neves held that position until his retirement and is now a homesteader who lives in Anahola, Kauai.

Your Committee finds that Mr. Neves possesses a vast experience with executive and operational management, federal rules and standards, budget development and control, personnel education and development, dispute resolution, and project management. Furthermore, your Committee finds that Mr. Neves' experience of moving away from Hawaii for work for several years before returning is common in the Hawaiian community and Mr. Neves represents those with a similar experience on the Commission. Mr. Neves' homestead insights and his commitment to serve the people and purpose of the Hawaiian Homes Commission are admirable in his current role as a Commissioner.

Upon taking the vote, members of your Committee were divided, with two ayes and two nays on the Chair's recommendation to advise and consent to the nomination of the reappointment of Mr. Neves to the Hawaiian Homes Commission. This resulted in the recommendation not being adopted by your Committee; nevertheless, the nomination will move to the Senate floor for a final vote pursuant to Senate Rule 37.

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, lack a majority of votes to recommend that the Senate either advise and consent or not advise and consent to the nominations and return the nominations to the full Senate for consideration in accordance with Senate Rule 37(3), which states: "The final question on nominations made by the Governor shall be: "Will the Senate advise and consent to this nomination?"".

Signed by the Chair on behalf of the Committee.

For Gov. Msg. No. 577: Ayes, 2; Ayes with Reservations (Shimabukuro). Noes, 2 (Acasio, Fevella). Excused, 1 (Ihara).

For Gov. Msg. No. 578: Ayes, 2. Noes, 2 (Acasio, Fevella). Excused, 1 (Ihara).

SCRep. 1551 Ways and Means on H.B. No. 53

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and make constitutionally-required findings that the bond issuance will not cause the state debt limit to be exceeded.

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

Your Committee finds that in accordance with Article VII, section 13, of the Hawaii 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, will not cause the debt limit to be exceeded at the time of issuance.

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. 53, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 53, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 4 (Inouye, Shimabukuro, Taniguchi, Wakai).

SCRep. 1552 Ways and Means on H.B. No. 54

The purpose and intent of this measure is to appropriate funds for deposit into the emergency and budget reserve fund established pursuant to section 328L-3, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Kauai Watershed Alliance and Ben Dyre Family Limited Partnership.

Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that due to the ongoing economic impact of the coronavirus disease 2019 pandemic, moneys from the emergency and budget reserve fund were transferred out of the fund, causing the fund balance to decrease from \$378,237,160 on June 30, 2019, to \$58,880,670 on June 30, 2020. Accordingly, your Committee finds that appropriating moneys from the general fund will help to replenish the balance of the emergency and budget reserve fund.

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 H.B. No. 54, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 54, 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, none.

SCRep. 1553 Ways and Means on H.B. No. 200

The purpose and intent of this measure is to appropriate funds for the operating costs of the executive branch for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023.

Your Committee received testimony in support of this measure from the Office of Information Practices; Department of Commerce and Consumer Affairs; Executive Office on Aging; Executive Office on Early Learning; Land Use Commission; Hawaii Green Infrastructure Authority; Office of Community Services; Department of Accounting and General Services; Hawaii State Public Library System; Office of Planning; Hawaii Housing Finance and Development Corporation; Department of the Prosecuting Attorney of the City and County of Honolulu; University of Hawaii-University Budget Office; Hawaii State Commission on the Status of Women; Catholic Charities Hawaii; Partners In Care; Hawaii Technology Development Corporation; Policy Advisory Board for Elder Affairs, The Kauai Watershed Alliance; Bricklayers Union, Local 1; Hawaii Friends for Civil Rights; Early Learning Board; Hawaii Health Systems Corporation; Hawaii Coalition for Immigrant Rights; Hawaii Children's Action Network Speaks!; University of Hawaii; Early Childhood Action Strategy; Ben Dyre Family Limited Partnership; Women's Coalition; National Association of Crime Victim Com; Americans for Democratic Action; Kauai Watershed Alliance; Special Education Advisory Council; and two individuals.

Your Committee received testimony in opposition to this measure from the Workforce Development Council; McKinley Community School for Adults; Hoisting Machine Operators Advisory Board; Department of Taxation; Workforce Development Council; State Career and Technical Education Office; Department of Public Safety; Stadium Authority; State Health Planning and Development Agency; Office of the Public Defender; Department of Defense; Hawaii Tourism Authority; Department of Education; County of Maui, Office of Economic Development and Member of the Workforce Development Council; Briant808 LLC; Nordic PCL Construction, Inc.; The Trust for Public Land; Mothers Against Drunk Driving; Work for Warriors Hawaii; Hawaii Carpenters Apprenticeship and Training Fund; Hawaii Laborers' Union Local 368; HiEmployment and WDC; Honolulu Joint Apprenticeship and Training Committee for the Plumbing & Pipefitting Industry PAMCAH-UA Local 675 Training Fund; Responsive Caregivers of Hawaii; Arc of Kona; Full Life; O Ke Kai Kau Lapaau; Crime Victim Compensation Commission; Hawaii Autism Foundation; State Council on Developmental Disabilities; Elder Care 808; National Down Syndrome Society; Immersive Wellness Medicine; DD Council; K.E.L.I.I. Foundation; WIOA Youth Services Program Maui; MCSA Farrington; Career and Technical Education; and forty-seven individuals.

Your Committee received comments on this measure from the Department of Labor and Industrial Relations; John A. Burns School of Medicine; Department of Education; Department of Budget and Finance; Department of Business, Economic Development, and Tourism; Office of the Governor; Department of Human Resources Development; Department of Health; Hawaii State Public Charter School Commission; Hawaii Public Housing Authority; Department of the Attorney General; Department of Hawaiian Home Lands; Division of Vocational Rehabilitation; Office of Enterprise Technology Services; Hawaii State Energy Office; Department of Transportation; Hawaii Public Utilities Commission; Department of Land and Natural Resources; Department of Human Services; Hawaii Department of Agriculture; Waipahu High School Early College; Maui County Department of the Prosecuting Attorney; County of Kauai Office of the Prosecuting Attorney; Hawaii Laborers and Employers Cooperation and Education Trust Fund; Hawaii Construction Alliance; Pacific Resource Partnership; Hawaii Regional Council of Carpenters; Conservation Council for Hawaii Authority; Grassroot Institute of Hawaii; Natural Energy Laboratory of Hawaii; Hawaii Community Development Authority; Maui Health System; Goodwill Industries of Hawaii, Inc.; Sex Abuse Treatment Center; Hope Services Hawaii; The Nature Conservancy Hawaii; American Association of University Women of Hawaii; Hawaii Pacific Health; Ohana Pacific Management Company; PHOCUSED; 501c3 Partners; Hawaii State Coalition Against Domestic Violence; United Public Workers, AFSCME Local 646 UPW; State Foundation on Culture and the Arts; Hunt Companies – Hawaii; and eleven individuals.

PART I. OVERVIEW

This measure, as received, includes:

- (1) The base budget from Act 9, Session Laws of Hawaii (SLH) 2020;
- (2) The addition of previously appropriated collective bargaining amounts in prior acts;
- (3) The adjustment amounts necessary to fulfill the Employees' Retirement System, Employer-Union Health Benefits Trust Fund, debt service, and Medicaid requirements for the 2021-2023 biennium; and
- (4) The reduction of non-recurring amounts identified in the 2020 and 2021 executive budget worksheets issued by the Legislature.

Your Committee has amended this measure to include:

- (1) The approved executive requests for trade-offs, transfers, changes to means of financing, conversions of positions from temporary to permanent, ceiling increases or decreases, and reductions;
- (2) Additional funding for priority budget requests;
- (3) Additional American Rescue Plan Act of 2021 funds totaling \$1,600,000,000,000; and
- (4) The State of Hawaii fund allocation to meet the federal Maintenance of Effort requirement.

	Fiscal Year 2021-2022		Fiscal Year 2022-2023	
	All Funds	General Funds	All Funds	General Funds
Executive Budget Act 9, SLH 2020	\$15,340,887,786	\$7,733,565,519	\$15,672,211,865	\$8,026,960,067
Executive Budget Request	\$15,416,743,597	\$7,685,972,117	\$15,521,316,276	\$7,798,266,153
Net Change in Senate Draft	\$989,159,753	\$278,042,127	\$1,060,476,212	\$228,984,944
Total Appropriation	\$16,405,903,350	\$7,964,014,244	\$16,581,792,488	\$8,027,251,097

PART II. GENERAL FUND REVENUES AND ECONOMY

The Council on Revenues increased its general fund tax revenue projection at both its January 2021 and March 2021 meetings.

When the Council met, their forecast assumed the passage of the \$1.9 trillion Federal stimulus bill (the American Rescue Plan Act of 2021). The Council's forecast also assumed that Hawaii's economy will continue to open up steadily without significant regulatory restrictions and shutdowns affecting businesses and individuals, and that travel restrictions will continue to become more relaxed and visitor arrival numbers will return to relatively normal levels in the near future.

The Council's fiscal year 2021 forecast considered and discussed the fiscal impacts of the delay in the income tax filing deadline from April 2020 to July 2020, which resulted in a shift of approximately \$308 million from fiscal year 2020 to fiscal year 2021 and the adverse impact on tax collections due to businesses affected by the 2020 pandemic shutdown and restrictions. The Council acknowledged that economic activity continues its upward trajectory since the last shutdown in September 2020. In addition, the Council discussed the impacts of the American Rescue Plan Act of 2021 that it expected to be passed in March 2021 and the taxation of benefits received from Unemployment Insurance and the Pandemic Unemployment Assistance (PUA) program.

The Council acknowledged that the coronavirus disease 2019 (COVID-19) continues to represent a serious risk to public health and the State's economy. Future tax revenues are highly dependent on the trajectory of the virus, new variants, the availability and efficacy of vaccines, rapid low-cost testing, and the state, county, and federal governments' ability to manage health risks while at the same time supporting economic activities. Given the prominent role of tourism in Hawaii's economy, the number of visitors to the State will have major impacts on the economy and tax collections. The Council recognized that international visitor arrivals may lag domestic visitor arrivals since certain other countries are behind the United States in their vaccination programs.

The new forecasts for the state general fund tax revenues for fiscal year 2021 through fiscal year 2027 are shown in the table below.

General Fund Tax Revenues

Fiscal Year	Amount (in Thousands of Dollars)	Growth From Previous Year
2021	\$6,527,438	-2.5%
2022	\$6,788,536	4.0%
2023	\$7,060,077	4.0%
2024	\$7,342,480	4.0%
2025	\$7,599,467	3.5%
2026	\$7,865,448	3.5%
2027	\$8,140,739	3.5%

PART III. COMMITTEE'S PRIORITIES

Your Committee has worked diligently to create a responsible financial plan that includes a budget that continues to fund critical services and programs. The Senate's approach to balancing the budget included considering the Council on Revenues' General Fund Forecast, allocating federal funds received from the American Rescue Plan Act, implementing revenue enhancers, sweeping excess special funds to the general fund, and strategic restructuring, reductions and cuts, and finally covering costs for Senate priorities.

Your Committee had the daunting task of balancing the state budget with the inclusion of \$1,600,000,000 allocated to the State through the American Rescue Plan Act of 2021 (ARPA). Numerous federal requirements, restrictions, and limitations were placed on how ARPA funds could be spent by the states. With limited guidance from the Department of Budget and Finance and the federal government, determining the most appropriate use of the money was very difficult. The Maintenance of Effort (MOE) requirement presented the greatest challenge for drafting a balanced budget.

Your Committee worked diligently to meet the proportional maintenance of effort funding requirements established under ARPA. Many hours were spent to ascertain accurate appropriations to the University of Hawaii, Department of Education, and all other state departments. The federal maintenance of effort requirements mandate the State to provide proportional funding in fiscal years 2022 and 2023 to elementary and secondary education, and higher education as compared to the overall state budget averaged over fiscal years 2017, 2018, and 2019. According to the Department of Budget and Finance, this averaged proportional allocation is 6.69 percent and 23.35 percent for higher education and lower education, respectively. Higher education encompasses the University of Hawaii, while lower education comprises the Department of Education minus libraries and early learning programs. The State faced economic hardships engendered by the COVID-19 pandemic. While there have been cuts across all departments in the previous fiscal biennium, the Department of Education took disproportionate cuts. This year's base appropriations for the Department of Education started

nearly 2 percent short of meeting the MOE, equal to approximately \$150,000,000. In this time of economic instability, the State is in no position to jeopardize federal support, and we present a budget that meets the MOE.

Your Committee believes it is important to limit the growth of government and reduce duplicative services. Where applicable, government agencies should be working with each other to provide services to Hawaii's residents. With that in mind, and incorporating each department's executive budget requests, your Committee reduced vacant positions and eliminated or consolidated departments or programs to align with the State's goals and priorities and achieve greater effectiveness and efficiencies.

Your Committee understands that there are many competing needs that the State must address. Your Committee recognizes the State's role in overseeing and managing a range of services for our kupuna; addressing issues surrounding homelessness; investing in the development of affordable housing; funding kindergarten through grade twelve education, early college programs, and the Hawaii Promise program; and scaling alternative education and trauma informed care programs statewide.

PART IV. OPERATING BUDGET

Accounting and General Services

The Senate Draft of the executive budget for the Department of Agriculture appropriates \$103,833,316 in fiscal year 2022 and \$102,906,61 in fiscal year 2023 in general funds. The Senate Draft also appropriates \$83,766,125 in fiscal year 2022 and \$83,766,125 in fiscal year 2023 in non-general funds, of which \$741,288 in fiscal year 2022 and \$741,288 in fiscal year 2023 are ARPA funds.

Highlights are as follows:

- * Restore 1.5 permanent Staff Attorneys and \$153,967 for the Office of Information Practices;
- * Consolidate AGS130 and AGS131 Office of Enterprise Technology Services for efficiency and resource alignment;
- * Convert the funding of ten temporary positions and \$955,512 to special funds;
- Add \$550,000 in fiscal year 2022 and fiscal year 2023 for an insurance program for state risk management and insurance administration (ARPA);
- * Restore \$629,777 in fiscal year 2022 and \$259,554 in fiscal year 2023 for the Office of Elections Voting System;
- * Add \$287,000 in fiscal year 2022 for the 2021 reapportionment for the Office of Elections;
- * Deny the Aloha Stadium request for \$2,887,200 in fiscal year 2022 for operating costs and a structural assessment;
- Add five permanent positions and \$836,550 each year for information technology modernization for the unemployment insurance system, disability compensation, financial management, child and family welfare, behavioral health, and state employee benefits system; and
- Fund past performance database with \$80,000 in fiscal year 2022 and \$84,000 in fiscal year 2023 through trade-off funds from the State Procurement Office.

Agriculture

The Senate Draft of the executive budget for the Department of Agriculture appropriates \$12,580,622 in fiscal year 2022 and \$11,780,622 in fiscal year 2023 in general funds and \$41,017,050 in fiscal year 2022 and \$40,493,852 in fiscal year 2023 in non-general funds.

Highlights are as follows:

- * Add \$800,000 ceiling increase for water infrastructure loans;
- * Reduce \$225,000 from Queen Bee Program;
- Add \$180,799 ceiling increase for agriculture resource management;
- * Add \$140,000 for one permanent Quality Assurance Administrator;
- * Add \$50,000 for the Hemp Licensing Program;
- * Add \$26,803 in fiscal year 2022 and \$53,605 in fiscal year 2023 for one temporary general accounting clerk;
- * Reduce \$500,000 for agriculture innovation projects;
- * Add \$600,000 in fiscal year 2022 and \$500,000 in fiscal year 2023 for pesticide disposal; and
- Add \$800,000 to start the Pesticide Disposal Program.

Attorney General

The Senate Draft of the executive budget for the Office of the Attorney General appropriates \$29,563,823 in fiscal year 2022 and \$29,541,823 in fiscal year 2023 in general funds and \$65,758,456 in fiscal year 2022 and \$65,870,706 in fiscal year 2023 in non-general funds.

- * Reduce \$870,000 from the Litigation Fund;
- Add \$870,000 for the Complex Litigation Fraud and Compliance Unit;

- * Restore \$1,800,000 for the Career Criminal and Victim Witness Program;
- * Restore \$714,000 for the Sex Abuse Treatment Center;
- Reduce \$22,000 in fiscal year 2022 and \$44,000 in fiscal year 2023 for building lease payments; and
- * Reduce \$400,000 for the Automated Fingerprint Information System yearly loan payment.

Business, Economic Development, and Tourism

The Senate Draft of the executive budget for the Department of Business, Economic Development, and Tourism appropriates \$13,077,044 in fiscal year 2022 and \$13,129,464 in fiscal year 2023 in general funds. The Senate Draft also appropriates \$244,029,392 in fiscal year 2022 and \$244,029,392 in fiscal year 2023 in non-general funds, of which \$48,140,000 in fiscal year 2022 and \$48,140,000 in fiscal year 2023 are ARPA funds.

Highlights are as follows:

- * Reduce \$950,000 in fiscal year 2022 and in fiscal year 2023 for Strategic Marketing and Support;
- * Restore \$66,231 in fiscal year 2022 and \$132,462 in fiscal year 2023 for Statewide Land Use Management;
- * Reduce \$541,795 in fiscal year 2022 and \$615,103 in fiscal year 2023 for the State Energy Office;
- Change the means of financing from general funds to the Hawaii Community Development Revolving Fund for the Hawaii Community Development Authority;
- Reduce \$27,357,559 in special funds for the Hawaii Tourism Authority and change the means of financing for the remaining \$48,140,000 (ARPA);
- Transfer out \$550,000 in general funds from the Department of Business, Economic Development, and Tourism to the University
 of Hawaii for the Pacific International Space Center for Exploration System Program;
- * Transfer seven permanent positions and \$711,893 from Statewide Land Use Management to Statewide Planning and Coordination;
- * Transfer four permanent positions and \$245,200 from the Office of Environmental Quality Control to Statewide Planning and Coordination;
- * Transfer ten permanent positions and funds from Research and Statistics to Economic Planning and Research; and
- * Reduce six temporary positions and \$283,229 in special funds from the Natural Energy Laboratory of Hawaii Authority.

Budget and Finance

The Senate Draft of the executive budget for the Department of Budget and Finance appropriates \$3,092,005,164 in fiscal year 2022 and \$3,127,743,775 in fiscal year 2023 in general funds. The Senate Draft also appropriates \$582,738,077 in fiscal year 2022 and \$575,960,535 in fiscal year 2023 in non-general funds, of which \$161,366,792 in fiscal year 2022 and \$154,525,250 in fiscal year 2023 are ARPA funds.

Highlights are as follows:

- * Restore \$626,000 subsidy to Bishop Museum (ARPA);
- Adds \$720,000 in fiscal year 2022 and \$240,000 in fiscal year 2023 for Iolani Palace (ARPA);
- Add one permanent budget analyst, one permanent accountant, and \$137,436 to monitor general obligation bond compliance;
- Add \$200,000 in fiscal year 2022 and fiscal year 2023 for a pharmacy benefits consultant for the Hawaii Employer Union Trust Fund;
- Add \$93,248,158 in fiscal year 2022 and \$122,625,227 in fiscal year 2023 for debt service;
- * Reduce \$9,076,579 in each fiscal year for retirement benefits;
- Add \$24,700,000 for health premium payments;
- Pay Annual Required Contribution/Other Post-Employment Benefits Prefunding in the amounts of \$378,368,000 in fiscal year 2022 and \$338,079,000 in fiscal year 2023; and
- * Add \$160,020,792 in fiscal year 2022 and \$153,659,250 in fiscal year 2023 for payment of working capital (ARPA).

Commerce and Consumer Affairs

The Senate Draft of the executive budget for the Department of Commerce and Consumer Affairs appropriates \$94,921,564 in fiscal year 2022 and \$92,097,564 in fiscal year 2023 in non-general funds.

- Increase the ceiling by \$700,000 in fiscal year 2022 and \$1,050,000 in fiscal year 2023 for the King Kalakaua Building repairs and maintenance;
- Increase the ceiling by \$3,500,000 in fiscal year 2022 and \$500,000 in fiscal year 2023 for the Business Registration Information Management/Registration Documents Processing Management System;

- * Increase the ceiling by \$100,000 for the VxRAIL Server for University of Hawaii Data Center;
- Increase the ceiling by \$175,000 in fiscal year 2022 and \$46,000 in fiscal year 2023 for core switch/firewall replacement for cybersecurity and protection of Department of Commerce and Consumer Affairs cloud assets; and
- * Increase the ceiling by \$125,000 for a server for data integration across divisions and departments.

Defense

The Senate Draft of the executive budget for the Department of Defense appropriates \$22,083,210 in fiscal year 2022 and \$19,833,210 in fiscal year 2023 in general funds and \$84,028,504 in fiscal year 2022 and \$84,028,504 in fiscal year 2023 in non-general funds.

Highlights are as follows:

- * Restore 40.75 temporary positions and \$2,939,511 for the Hilo Youth Challenge Academy;
- * Add three permanent positions for the Kaneohe Burial Team;
- * Restore three permanent positions for the Kaneohe Burial Team;
- * Add \$329,096 for seven temporary positions for the Lava Project;
- * Create new program ID (DEF116) for Hawaii Army and Air National Guard;
- * Create new program ID (DEF118) for Hawaii Emergency Management Agency; and
- * Reduce \$2,250,000 in fiscal year 2022 and \$4,500,000 in fiscal year 2023 from the Major Disaster Fund.

Education

The Senate Draft of the executive budget for the Department of Education appropriates \$1,752,980,401 in fiscal year 2022 and \$1,769,550,001 in fiscal year 2023 in general funds and \$319,577,751 in fiscal year 2022 and \$319,577,751 in fiscal year 2023 in non-general funds.

- Eliminate the Office of Strategy, Innovation, and Performance and the Office of Information Technology Services to decentralize administrative support services to Complex Areas;
- * Add seven permanent positions and \$611,450 for Papahana O Kaiona Alternative Learning Programs;
- Add \$468,424 for teacher improvement services;
- * Add \$250,000 in fiscal year 2022 for proof-of-concept High Core Program;
- * Add \$5,000,000 for overtime for teachers to provide tutoring;
- * Add \$1,000,000 for the Farm-to-School Program expansion;
- Add \$3,000,000 for Alternative Learning Centers;
- Add \$5,000,000 for a teacher rental housing subsidy;
- Add \$1,000,000 in fiscal year 2023 for the School Facilities Agency;
- Add \$39,719,565 in fiscal year 2022 and \$47,719,5665 in fiscal year 2023 to fully restore and supplement funds for Indexed Complex Area Allocation;
- * Adds \$22,347,872 to partially restore defunded positions from Act 9, SLH 2020, for the weighted student formula;
- * Add \$1,500,000 for kindergarten through grade twelve programming at libraries;
- * Add \$5,124,000 in fiscal year 2023 for repairs and maintenance;
- * Add \$400,000 for trauma-informed care services statewide;
- * Restore \$11,226,819 from program review reductions for the weighted student formula;
- * Restore \$315,883 from program review reductions for special education;
- * Add \$304,400 in fiscal year 2022 for equipment and furniture for the Cyber Security Academy;
- Restore \$6,352,023 and two permanent and four temporary positions from program review reductions for Instructional Support;
- * Restore \$5,239,467 and 16.5 permanent and one temporary positions from program review reductions for State Administration;
- * Restore \$17,890,819 and ten permanent and two temporary positions from program review reductions for School Support;
- * Restore \$38,393 from program review reductions for School Community Services; and
- * Transfer in \$325,241 from the Department of Business, Economic Development, and Tourism for the Challenger Center.

Charter Schools

The Senate Draft of the executive budget for the Department of Education – Charter Schools appropriates \$107,226,561 in fiscal year 2022 and \$107,226,561 in fiscal year 2023 in general funds and \$6,842,000 in fiscal year 2022 and \$6,842,000 in fiscal year 2023 in non-general funds.

Highlights are as follows:

- * Restore \$14,417,942 from program review reductions for Charter Schools; and
- * Add \$2,641,925 and three permanent positions for the Charter Schools Commission and Administration.

Early Learning

The Senate Draft of the executive budget for the Department of Education – Early Learning appropriates \$5,712,451 in fiscal year 2022 and \$5,712,451 in fiscal year 2023 in general funds and \$125,628 in fiscal year 2022 and \$125,628 in fiscal year 2023 in non-general funds.

Highlights are as follows:

* Add \$249,239 for Early Learning Teachers.

Public Libraries

The Senate Draft of the executive budget for the Department of Education – Public Libraries appropriates \$34,983,198 in fiscal year 2022 and \$34,983,198 in fiscal year 2023 in general funds and \$5,365,244 in fiscal year 2022 and \$5,365,244 in fiscal year 2023 in non-general funds.

Highlights are as follows:

* Restore \$3,545,809 in fiscal year 2022 and \$3,565,809 in fiscal year 2023 from program review reductions for Public Libraries.

Governor

The Senate Draft of the executive budget for the Office of the Governor appropriates \$3,925,852 in fiscal year 2022 and \$3,165,208 in fiscal year 2023 in general funds.

Highlights are as follows:

- * Reduce \$55,000 for equipment;
- * Reduce \$225,150 and two permanent vacant positions;
- * Add \$53,000 in fiscal year 2022 for the Washington Place 175th Anniversary; and
- * Reduce \$707,466 and two permanent and six temporary positions for fiscal year 2023.

Hawaiian Home Lands

The Senate Draft of the executive budget for the Department of Hawaiian Home Lands appropriates \$15,083,544 in fiscal year 2022 and \$15,083,544 in fiscal year 2023 in general funds and \$38,883,770 in fiscal year 2022 and \$38,883,770 in fiscal year 2023 in non-general funds.

Highlights are as follows:

- Add \$7,000,000 ceiling increase for Native American Housing Assistance and Self Determination Act of 1996 Federal Funds –
 planning and development for Hawaiian Homesteads;
- * Reduce \$844,800 and fourteen permanent vacant positions; and
- * Reduce nineteen defunded positions.

<u>Health</u>

The Senate Draft of the executive budget for the Department of Health appropriates \$546,250,562 in fiscal year 2022 and \$545,950,562 in fiscal year 2023 in general funds. The Senate Draft also appropriates \$1,373,239,566 in fiscal year 2022 and \$1,358,022,733 in fiscal year 2023 in non-general funds, of which \$140,130,096 in fiscal year 2022 and \$122,389,165 in fiscal year 2023 are ARPA funds.

- * Restore \$2,754,693 for tuberculosis and AIDS services;
- * Add \$35,906,000 for Hawaii Healthcare Systems Corporation operating subsidy (ARPA);
- * Add \$11,585,000 for Maui Health Systems operating subsidy (ARPA);
- Provide \$10,486,266 in funds to staff the new forensic building at the Hawaii State Hospital (ARPA);
- * Restore \$7,329,231 in fiscal year 2022 and fiscal year 2023 for Tobacco Prevention Programs;
- * Add \$9,887,137 for Emergency Medical Services (ARPA);
- * Add \$3,200,000 in special funds for Intellectual and Development Disabilities;

- * Restore \$2,687,824 in funding for Kupuna Care and Aging Disability Resource Center;
- * Restore four permanent positions and \$152,856 to preserve the Office of Language Access; and
- * Merger of the Food Safety and Drug Branch to Food Safety Branch.

Human Resources Development

The Senate Draft of the executive budget for the Department of Human Resources Development appropriates \$20,299,778 in fiscal year 2022 and \$20,352,353 in fiscal year 2023 in general funds and \$5,866,134 in fiscal year 2022 and \$5,866,134 in fiscal year 2023 in non-general funds.

Highlights are as follows:

- * Add \$222,144 for two permanent personnel program administrators in workforce attraction;
- * Reduce \$64,000 and one permanent position for the Fellowship Program;
- Add \$257,775 in fiscal year 2022 and \$526,250 in fiscal year 2023 for workers' compensation claims;
- * Add \$225,000 in fiscal year 2022 for unemployment insurance benefits for state employees;
- * Add one permanent human resource specialist for supporting services; and
- * Add \$72,420 for Learning Management Systems upgrades.

Human Services

The Senate Draft of the executive budget for the Department of Human Services appropriates \$1,308,501,321 in fiscal year 2022 and \$1,329,193,217 in fiscal year 2023 in general funds. The Senate also appropriates \$2,698,356,065 in fiscal year 2022 and \$2,736,921,101 in fiscal year 2023 in non-general funds, of which \$18,971,808 in fiscal year 2022 and \$14,574,808 in fiscal year 2023 are ARPA funds.

Highlights are as follows:

- * Add \$5,400,000 in fiscal year 2022 for general assistance payments (ARPA);
- * Add \$750,000 in fiscal year 2022 and fiscal year 2023 for state rent supplement vouchers (ARPA);
- Increase the federal fund ceiling by \$16,433,850 in fiscal year 2022 and \$16,429,850 in fiscal year 2023 for rental assistance services:
- Add \$10,800,000 in fiscal year 2022 and fiscal year 2023 for homeless services (ARPA);
- * Restore six permanent positions and \$298,339 for the rental subsidy program;
- * Restore \$6,960,000 in both fiscal years for Preschool Open Doors;
- * Add \$12,374,692 in fiscal year 2022 and \$34,069,588 in fiscal year 2023 for Medicaid payments;
- Restore \$832,000 in fiscal year 2022 and fiscal year 2023 for In-Community Youth Programs and contract services (ARPA);
- Restore \$520,000 in fiscal year 2022 and fiscal year 2023 for mental health services at the Hawaii Youth Correctional Facility (ARPA);
- * Restore \$134,000 in fiscal year 2022 and \$1,137,000 in fiscal year 2023 for KOLEA maintenance and operations (ARPA); and
- * Restore \$6,333,798 for Temporary Assistance for Needy Families client services contracts.

Labor and Industrial Relations

The Senate Draft of the executive budget for the Department of Labor and Industrial Relations appropriates \$16,794,330 in fiscal year 2022 and \$16,794,330 in fiscal year 2023 in general funds. The Senate Draft also appropriates \$855,400,481 in fiscal year 2022 and \$912,355,171 in fiscal year 2023 in non-general funds, of which \$399,141,552 in fiscal year 2022 and \$456,096,242 in fiscal year 2023 are ARPA funds.

- * Restore \$315,242 and six permanent positions for the Civil Rights Commission;
- Transfer \$1,165,559 federal funds and twelve permanent positions from the Employment Security Appeals Referees Office to Unemployment Compensation;
- * Restore \$1,043,780, one permanent position, and four temporary positions for the Office of Community Services;
- Add \$431,937 in fiscal year 2022 and fiscal year 2023 for the Disability Compensation Division's technology modernization maintenance (ARPA);
- Add \$13,153,920 for fiscal year 2022 and \$10,000,000 for fiscal year 2023 for the Unemployment Insurance Interest Payable (ARPA);
- * Add \$312,445,695 in fiscal year 2022 and \$407,554,305 in fiscal year 2023 for the new unemployment insurance loan (ARPA);

- * Add \$70,000,000 in fiscal year 2022 and \$35,000,000 in fiscal year 2023 for the new unemployment insurance call center (ARPA);
- * Transfer seven permanent positions, \$500,636 in general funds, and \$6,500,000 in federal funds from the Workforce Development Council to the Workforce Development Division;
- Reduce four temporary positions and \$233,844 in special funds from workforce development; and
- * Reduce fourteen defunded permanent positions for the Disability Compensation Division.

Land and Natural Resources

The Senate Draft of the executive budget for the Department of Land and Natural Resources appropriates \$66,865,872 in fiscal year 2022 and \$61,547,851 in fiscal year 2023 in general funds and \$117,002,542 in fiscal year 2022 and \$99,342,593 in fiscal year 2023 in non-general funds.

Highlights are as follows:

- * Restore 8.5 permanent positions (engineers) and \$674,974 for the Water and Land Development Division;
- * Restore \$3,110,946 in fiscal year 2022 for the Native Resources and Fire Protection Program;
- * Add \$1,459,440 for thirty previously defunded positions for Conservation and Resources Enforcement;
- Add \$2,231,420 for thirty-three permanent enforcement officers, six permanent administrative support positions, and two
 permanent education and program specialists for Conservation and Resource Enforcement;
- Add \$41,676 in fiscal year 2022 and \$83,352 in fiscal year 2023 and one permanent position for the Ocean-Based Recreation Division;
- * Change the means of financing for \$976,161 from general funds to county funds for lifeguard contracts;
- * Add \$480,000 for lifeguard contracts for Kua Bay;
- * Restore \$868,106 for lifeguard contracts for Hapuna Beach;
- * Add \$875,000 for fiscal year 2022 for rapid ohia death response;
- * Reduce two permanent and four temporary defunded positions for natural area reserves and watershed management; and
- * Convert thirteen positions from temporary to permanent for forest and outdoor recreation.

Lieutenant Governor

The Senate Draft of the executive budget for the Office of the Lieutenant Governor appropriates \$955,793 in fiscal year 2022 and \$955,793 in fiscal year 2023 in general funds.

Highlights are as follows:

Reduce three temporary vacant positions.

Public Safety

The Senate Draft of the executive budget for the Department of Public Safety appropriates \$252,043,103 in fiscal year 2022 and \$251,744,479 in fiscal year 2023 in general funds and \$22,045,956 in fiscal year 2022 and \$22,045,956 in fiscal year 2023 in non-general funds.

Highlights are as follows:

- Reduce \$1,738,985 and twenty-three permanent positions in fiscal year 2022 for the Hookipa Cottage for the Women's Community Correctional Center;
- * Reduce fifteen permanent positions and \$504,540 for unestablished sheriff positions;
- * Add \$676,222 in fiscal year 2022 for the Crime Victim Compensation Program;
- Reduce \$702,372 for the Federal Detention Center inmate housing; and
- * Add \$330,000 for the Hawaii Correctional System Oversight Commission.

Taxation

The Senate Draft of the executive budget for the Department of Taxation appropriates \$25,653,227 in fiscal year 2022 and \$22,414,395 in fiscal year 2023 in general funds and \$3,561,698 in fiscal year 2022 and \$3,561,698 in fiscal year 2023 in non-general funds.

- Restore eight permanent positions and \$196,686 for fiscal year 2022 and \$393,372 for fiscal year 2023 to reorganize the Kauai Compliance District Office;
- * Reduce one hundred seventy-six long term vacant positions across the department;
- Reorganize the Quality Control Office to reflect the current operational structure;

- * Add six permanent positions to correct previous legislative error listing them as temporary;
- * Add \$3,033,832 for maintenance of the tax system modernization; and
- * Adds \$227,500 for fiscal year 2022 and \$22,500 for fiscal year 2023 for the Tax Review Commission.

Transportation

The Senate Draft of the executive budget for the Department of Transportation appropriates \$1,064,208,753 in fiscal year 2022 and \$1,152,199,801 in fiscal year 2023 in non-general funds.

Highlights are as follows:

- * Deny the consolidation of the Harbors Division into one Program ID;
- * Reduce twenty-two permanent vacant positions and \$1,807,917 in special funds from Harbors Administration; and
- * Add \$1,150,440 in special funds to the Daniel K. Inouye International Airport.

University of Hawaii

The Senate Draft of the executive budget for the University of Hawaii appropriates \$531,841,060 in fiscal year 2022 and \$535,907,813 in fiscal year 2023 in general funds. The Senate Draft also appropriates \$735,250,747 in fiscal year 2022 and \$707,281,530 in fiscal year 2023 in non-general funds, of which \$31,502,464 in fiscal year 2022 and \$3,533,247 in fiscal year 2023 are ARPA funds.

Highlights are as follows:

- Transfer seven permanent positions and \$485,376 from University of Hawaii at Manoa to University of Hawaii Systemwide Support to consolidate human resources offices;
- * Deny transfer of six permanent positions and \$322,242 from University of Hawaii Systemwide Support to the University of Hawaii at Manoa; University of Hawaii at Hilo; University of Hawaii, West Oahu campus; University of Hawaii, Kauai Community College; and University of Hawaii Maui College;
- Transfer University of Hawaii Auxiliary Enterprises Special Fund ceiling of \$2,200,000 from University of Hawaii at Manoa to University of Hawaii Systemwide Support;
- * Create new program ID (UOH115) for the Cancer Center and transfer \$3,098,055 from the University of Hawaii at Manoa;
- * Add \$3,000,000 for the University of Hawaii Cancer Center;
- Transfer \$550,000 in general funds from the Department of Business, Economic Development, and Tourism to the University of Hawaii for the Pacific International Space Center for Exploration System Program;
- * Add two permanent positions and \$164,394 for computer science pathways through early college;
- * Add \$12,880,000 in fiscal year 2022 and \$16,946,753 in fiscal year 2023 in general funds and \$15,600,000 in fiscal year 2022 and \$3,533,247 in fiscal year 2023 in American Rescue Plan Act funds for University of Hawaii at Manoa to restore program review reductions (ARPA);
- * Add \$2,400,000 in fiscal year 2022 for the John A. Burns School of Medicine to restore program review reductions (ARPA);
- Add \$2,600,000 for University of Hawaii at Manoa athletics;
- Add \$400,000 for University of Hawaii at Hilo athletics;
- Add \$4,560,000 in fiscal year 2022 for the University of Hawaii at Hilo to restore program review reductions (ARPA);
- Add \$2,160,000 in fiscal year 2022 for the University of Hawaii, West Oahu campus to restore program review reductions (ARPA);
- * Add \$6,782,464 in fiscal year 2022 for University of Hawaii Systemwide Support to restore program review reductions (ARPA);
- Restore \$23,000,000 from program review reductions for the University of Hawaii Community Colleges;
- Add \$1,300,000 for the Hawaii Promise Program;
- Add \$7,500,000 for workforce preparation and non-credit support;
- Add \$1,000,000 for the Next Step Programs;
- * Add \$2,000,000 for student employment expansion;
- * Add \$1,000,000 for workforce program modernization;
- * Add \$4,200,000 for campus information technology equipment upgrades to support effective online instruction; and
- Add \$6,000,000 for routine heating, ventilation, and air conditioning maintenance for improved air quality and circulation.

PART V. CAPITAL IMPROVEMENTS PROGRAM BUDGET

Your Committee finds an opportunity to invest in the State's infrastructure while remaining fiscally prudent.

The Administration requested a capital improvement budget that totaled:

ADMINISTRATION	FY 2022	FY 2023
General Obligation Bonds	\$679,393,000	\$512,128,000
All Means of Financing	\$1,236,328,000	\$1,116,254,000

Your Committee has amended this budget to appropriate the following in capital improvement funds:

SENATE	FY 2022	FY 2023
General Obligation Bonds	\$698,594,000	\$364,422,000
American Rescue Plan Act Funds	\$96,581,000	\$16,207,000
All Means of Financing	\$1,402,538,000	\$999,905,000

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. 200, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 200, 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, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 1554 Ways and Means on H.B. No. 149

The purpose and intent of this measure is to clarify that cards issued by a county for the purposes of paying transit fares, county fees, and other uses as authorized by an applicable county ordinance are not subject to the State's unfair and deceptive practices statutes related to gift certificates.

Your Committee received written comments in support of this measure from the Department of Transportation Services of the City and County of Honolulu and one individual.

Your Committee finds that many large cities, including the City and County of Honolulu, have adopted the use of smart cards to pay for public transit fares. Your Committee also finds that these smart cards may be used in the future to pay for on-street parking, permits, and registration fees. Your Committee believes that clarifying that these types of cards are exempt from the State's unfair and deceptive practices laws relating to gift certificates will support the counties' adoption and administration of smart card programs.

As affirmed by the record of votes of the members 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. 149, 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, none.

SCRep. 1555 Government Operations on Gov. Msg. Nos. 522 and 523

Recommending that the Senate advise and consent to the nominations of the following:

ENHANCED 911 BOARD

G.M. No. 522 JEFFREY RIEWER, for a term to expire 06-30-2022; and

G.M. No. 523 CLYDE HOLOKAI, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Jeffrey Riewer and Clyde Holokai for service on the Enhanced 911 Board.

JEFFERY RIEWER

Your Committee received testimony in support of the nomination for the reappointment of Jeffery Riewer from the Enhanced 911 Board, Maui Police Department, and four individuals.

Upon review of the testimony, your Committee finds that Jeffery Riewer's experience, knowledge, and dedication to service qualify him for reappointment to the Enhanced 911 Board as a member from a wireless communication service provider, pursuant to paragraph 138-2(a)(2), Hawaii Revised Statutes. Your Committee notes that Mr. Riewer has over twenty years of knowledge and experience in wireless communications. Mr. Riewer is currently the Lead Network/Sales Support Manager, Principle Technical Engineer, and Enhanced 911 Coordinator for AT&T Mobility Hawaii. Your Committee further finds that Mr. Riewer has served on the Enhanced 911 Board since 2014 and is currently the chair of its Education subcommittee. Mr. Riewer's experience and knowledge will continue to be assets to the Enhanced 911 Board. Your Committee therefore recommends that Jeffery Riewer be reappointed to the Enhanced 911 Board based on his experience, knowledge, and commitment to public service.

CLYDE HOLOKAI

Your Committee received testimony in support of the nomination for the appointment of Clyde Holokai from the Maui Police Department and three individuals.

Upon review of the testimony, your Committee finds that Clyde Holokai's background and desire to serve his community qualify him to be appointed to the Enhanced 911 Board as the public safety answering point representative from Maui. Your Committee notes that Mr. Holokai has been in law enforcement for over twenty-seven years. Mr. Holokai is currently the Assistant Chief of the Maui Police Department's Support Services Bureau. Previously, Mr. Holokai was the Captain of the Criminal Investigations Division, Captain of the Kihei Patrol District, and Captain of the Technical Services Section, all within the Maui Police Department. Your

Committee finds that Mr. Holokai has a thorough understanding of the role and responsibilities of board members and his extensive experience in public safety will continue to enhance the effectiveness of the Enhanced 911 Board. Your Committee therefore recommends that Clyde Holokai be appointed to the Enhanced 911 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 Government Operations 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. For Gov. Msg. No. 522: Ayes, 4. Noes, none. Excused, 1 (Fevella). For Gov. Msg. No. 523: Ayes, 5. Noes, none. Excused, none.

SCRep. 1556 Ways and Means on H.B. No. 133

The purpose and intent of this measure is to increase the capital gains tax threshold from 7.25 percent to nine percent.

Your Committee received testimony in support of this measure from Hawaii Children's Action Network Speaks!, Americans for Democratic Action, Young Progressives Demanding Action, Planned Parenthood Votes Northwest and Hawaii, League of Women Voters Hawaii, Hawaii Budget and Policy Center, Foresight/Policy Analysis, Advocacy Coalition, Imua Alliance, Democratic Party of Hawaii Education Caucus, PHOCUSED, Hawaii State Teachers Association, Democratic Party of Hawaii Labor Caucus, Hawaii Alliance for Progressive Action, Neighborhood Place of Puna, and numerous individuals.

Your Committee received testimony in opposition to this measure from Chamber of Commerce Hawaii and seven individuals.

Your Committee received written comments on this measure from the Department of Taxation, Hawaii Association of Realtors, Tax Foundation of Hawaii, and Grassroot Institute of Hawaii.

Your Committee finds that increasing the capital gains tax threshold for individuals and corporations will create additional revenue for the State to help address houselessness, domestic violence, mental illness, and other issues that have been exacerbated by the coronavirus disease 2019 pandemic.

Your Committee has amended this measure by:

- Amending section 235-71.5, Hawaii Revised Statutes, to increase the capital gains tax threshold for corporations from four percent to five percent; and
- (2) Changing the effective date to July 1, 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. 133, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 133, 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, 8. Noes, none. Excused, 3 (Shimabukuro, Taniguchi, Wakai).

SCRep. 1557 Ways and Means on H.B. No. 1324

The purpose and intent of this measure is to provide rent relief grants under certain circumstances for owners of properties classified as commercial, hotel and resort, or industrial under county real property tax classifications.

More specifically, this measure:

- (1) Establishes a commercial rent relief grant program with eligibility requirements and application procedures;
- (2) Provides the Department of Business, Economic Development, and Tourism with the authority to audit or investigate any grant application;
- (3) Provides that fraudulent applications or grant awards shall be deemed a violation of section 661-21, Hawaii Revised Statutes;
- (4) Requires that the grant program have priority in the distribution of federal funds received by the State; and
- (5) Appropriates moneys for the program.

Your Committee received testimony in support of this measure from the Chamber of Commerce Hawaii; Hawaii Association of REALTORS; Hawaii Island Economic Development Board; Hawaii Leeward Planning Conference; Eggs 'N Things Hawaii, Inc.; Hawaii Farm Bureau; Island Business Management, LLC; NAIOP; Retail Merchants of Hawaii; Hawaii Restaurant Association; The Kahala Hotel and Resort; Hawaii Food Industry Association; Suzuki Properties, LLC; BOMA Hawaii; Hawaii Lodging and Tourism Association; Blue Ginger; Maui Chamber of Commerce; and four individuals.

Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Taxation; and Department of Budget and Finance.

Your Committee finds that the coronavirus disease 2019 pandemic has had a devastating impact on the local economy. Businesses in the State have faced mounting losses in revenue while incurring substantial expenses during mandated closure periods. Your Committee also finds that the commercial rent relief grant program established by this measure will help small businesses recover from the pandemic and continue to contribute to the local economy and employ Hawaii's residents.

Your Committee has amended this measure to prohibit any property owner that receives a rent relief grant from evicting or taking any other retributive action against a commercial or industrial tenant for the nonpayment of rent that is forgiven pursuant to the rent relief grant 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 H.B. No. 1324, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1324, 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, 11. Noes, none. Excused, none.

SCRep. 1558 (Majority) Judiciary on H.B. No. 31

The purpose and intent of this measure is to raise the maximum age of minors for which safe storage of firearms is required from sixteen to eighteen years.

Your Committee received testimony in support of this measure from the Keiki Injury Prevention Coalition and five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Firearms Coalition, National Rifle Association, and twenty-one individuals. Your Committee received comments on this measure from the Office of the Public Defender.

Your Committee finds that an estimated four million six hundred thousand children and adolescents in the United States live in homes with at least one unsecured firearm and that the presence of unsecured firearms in the home increases the risk of unintentional and intentional shootings. Furthermore, the United States Secret Service and the United States Department of Education report that in sixty-eight percent of deadly school shootings, the attacker obtained the firearm from the attacker's home or that of a relative. In adolescents were stored in the residence of the victim, a relative, or a friend. This measure raises the age for which safe storage of firearms is required in a home to prevent minors from having access to firearms and possibly causing injury to themselves or others.

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. 31, 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, 5. Noes, 2 (Gabbard, Fevella). Excused, none.

SCRep. 1559 (Joint/Majority) Judiciary and Ways and Means on H.B. No. 1366

The purpose and intent of this measure is to:

- (1) Amend the class C felony offense of manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number to also prohibit possession of those firearm parts; and
- (2) Amend Act 74, Session Laws of Hawaii 2020, to repeal language that specified the prospective application of that Act.

Your Committees received testimony in support of this measure from the Honolulu Police Department, Hawai'i Police Department, Democratic Party of Hawai'i, Church of the Crossroads, and twenty-two individuals. Your Committees received testimony in opposition to this measure from the National Rifle Association of America, Pu'uloa Rifle and Pistol Club, Hawai'i Firearms Coalition, and eighty-one individuals.

Your Committees find that firearms that are assembled without serial numbers or other identification markings, known as "ghost guns", are extremely difficult to track and pose a significant obstacle to law enforcement. Your Committees further find that Act 74, Regular Session of Hawaii 2020 (Act 74), established the class C felony offense of manufacturing, purchasing, or obtaining firearm parts to assemble ghost guns. Your Committees additionally find that law enforcement agencies have reported that persons found to be in possession of ghost guns have claimed that their actions do not violate the law because the parts used to assemble the firearm were acquired before the effective date of Act 74. This measure will make possession of these parts a class C felony.

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. 1366, H.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.

Judiciary: Ayes, 4. Noes, 3 (Gabbard, Kim, Fevella). Excused, none.

Ways and Means: Ayes, 9. Noes, 1 (Fevella). Excused, 1 (Moriwaki).

SCRep. 1560 (Joint) Judiciary and Ways and Means on H.B. No. 570

The purpose and intent of this measure is to:

- (1) Expand the time period in which a civil action for childhood sexual abuse may be initiated;
- (2) Extend the period during which a victim of childhood sexual abuse may bring an otherwise time-barred action against the victim's abuser or a legal entity having a duty of care;
- (3) Allow recovery of treble damages in certain circumstances; and
- (4) Provide for training on trauma-informed response.

Your Committees received testimony in support of this measure from the Democratic Party of Hawai'i; LGBT Caucus of the Democratic Party of Hawai'i; Sex Abuse Treatment Center; Talbert Law, LLLC; CHILD USA; CHILD USAdvocacy; Planned

Parenthood Alliance Advocates; Rainbow Family 808; AAUW of Hawai'i; and three individuals. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Department of the Attorney General and one individual.

Your Committees find that child sexual abuse is a serious and ongoing threat to the safety, health, and wellbeing of children and young people. Survivors of child sexual abuse frequently suffer profound consequences throughout adulthood, and many do not disclose their abuse until later in life. Children who are the targets of sexual abuse can blame themselves or be prevented from reporting the abuse due to intense feelings of fear, disbelief, anger, helplessness, betrayal, and anxiety; incapacity to understand what happened or express their complaint due to their stage of cognitive development; or be afraid of retaliation or the potential negative impact on their family if the abuser was a family member or an individual in a position of influence or power. Your Committees further find that some studies have estimated that between sixty percent and eighty percent of child sexual abuse survivors withhold disclosure, and that the average delay in disclosure is approximately twenty years after the abuse occurred. Extending the period of time for a person to bring a civil cause of action seeking damages for an injury or condition arising from alleged sexual abuse when the person was a minor will ensure that more survivors of child sexual abuse are afforded a realistic and fair opportunity to seek justice.

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. 570, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 570, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1561 Ways and Means on H.B. No. 58

The purpose and intent of this measure is to reallocate conveyance tax revenues to facilitate, among other things, the conservation of land and the development of rental housing in the State.

Specifically, the measure:

- Temporarily reallocates conveyance tax revenues for purposes of paying the principal and interest of general obligation bonds;
- (2) Authorizes the issuance of general obligation bonds to be appropriated into and out of the land conservation fund and rental housing revolving fund.

Prior to the hearing on this measure, your Committee prepared and made available for public review a proposed S.D. 1, which amends the H.D. 1 by:

- (1) Changing the estate tax exclusion to \$3,500,000;
- (2) Suspending numerous general excise tax and use tax exemptions;
- (3) Providing a grandfathering provision from the suspension of general excise and use tax exemptions;
- (4) Requiring information reporting for all general excise and use tax exemptions and exclusions; and
- (5) Amending the conveyance tax rates.

Your Committee received testimony in support of the proposed S.D. 1 from the Young Progressives Demanding Action, LGBT Caucus of the Democratic Party of Hawaii, PHOCUSED, Hawaii Children's Action Network Speaks!, Imua Alliance, Democratic Party of Hawaii Education Caucus, Americans for Democratic Action, Hawaii State Teachers Association, Hawaii Budget and Policy Center, and numerous individuals.

Your Committee received testimony in opposition to the proposed S.D. 1 from the Department of Business, Economic Development, and Tourism; Office of Economic Revitalization; Ke Ao Halii; Matson Navigation Company, Inc.; Aloha Vision Consultants; Hawaii Association of REALTORS; HPBS, Inc.; Hawaii Harbors Users Group; Young Brothers; Conservation Council for Hawaii; NAIOP Hawaii; Chamber of Commerce Hawaii; Livable Hawaii Kai Hui; and numerous individuals.

Your Committee received comments on the proposed S.D. 1 from the Department of Land and Natural Resources; Hawaii Housing Finance and Development Corporation; Hawaii Technology Development Corporation; Tax Foundation of Hawaii; Stanford Carr Development, LLC; Grassroot Institute of Hawaii; and two individuals.

Your Committee finds that this measure will help make the State's tax structure more equitable and will generate funds to support critical services.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending it by:

- (1) Removing two proposed general excise tax exemptions relating to the Enterprise Zone Program, as suggested in testimony from the Department of Business, Economic Development, and Tourism;
- (2) Removing four proposed general excise tax exemptions relating to interisland shipping, cargo, tugboat and towage services, and maritime-related services, as suggested in testimony from Matson Navigation Company, Inc.;
- (3) Making the amended exclusion amount of Hawaii's estate tax applicable for decedents dying or taxable transfers occurring after June 30, 2021; and
- (4) Changing the effective date to January 1, 2022.

As affirmed by the record of votes of the members 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. 58, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 58, 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, none.

SCRep. 1562 Ways and Means on H.B. No. 321

The purpose and intent of this measure is to adjust the allocation of transient accommodations tax revenues.

More specifically, this measure:

- (1) Repeals the allocation of excess transient accommodations tax revenues:
 - (A) To the Turtle Bay Conservation Easement Special Fund;
 - (B) For the development and implementation of initiatives to take advantage of expanded visa programs and increased travel opportunities for international visitors to Hawaii;
 - (C) For the operation of a Hawaiian Center and the Museum of Hawaiian Music and Dance;
 - (D) To the Tourism Special Fund for a safety and security budget;
 - (E) To the counties;
 - (F) To supplement deficient county public employer contribution amounts; and
 - (G) To the Special Land and Development Fund;
- (2) Makes the allocations to the Convention Center Enterprise Special Fund and Tourism Special Fund unspecified amounts; and
- (3) Repeals obsolete references regarding the disposition of transient accommodations tax revenues.

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:

- (1) Repeal the allocation of transient accommodations tax revenues to the counties; and
- (2) Authorize each county to impose a county surcharge on the transient accommodations tax.

Your Committee received testimony in opposition to this measure from the Department of Budget and Fiscal Services of the City and County of Honolulu, Maui County Mayor's Office, Hawaii State Association of Counties, Fairmont Orchid, Hawaii Lodging and Tourism Association, Kohala Coast Resort Association, and Kona-Kohala Chamber of Commerce.

Your Committee received comments on this measure from the Department of Budget and Finance, Department of Taxation, Hawaii Tourism Authority, Grassroot Institute of Hawaii, and Tax Foundation of Hawaii.

Your Committee finds that, as a result of the coronavirus disease 2019 (COVID-19) pandemic and related mitigation measures, Hawaii has experienced a significant decrease in visitor arrivals that has resulted in an extreme loss in revenues from the State's collection of transient accommodations tax. Your Committee also finds that, according to the Department of Business, Economic Development, and Tourism, transient accommodations tax revenues decreased by \$103,300,000 or 68.6 percent, in the second quarter of 2020 compared to the same quarter of 2019. As a result of this decrease in revenues, your Committee believes that transient accommodations tax allocations should be adjusted. Your Committee finds that this measure repeals the allocation of transient accommodations tax revenues to the counties, while providing the counties with a mechanism to replace the lost revenues.

Your Committee has amended this measure by adopting the Proposed S.D. 1 and further amending the Proposed S.D. 1 by:

- (1) Changing the date by which a county may adopt an ordinance to establish a county surcharge on transient accommodations tax from December 31, 2023, to July 1, 2022;
- (2) Providing that the Department of Taxation shall begin to levy the county surcharge on transient accommodations tax on January 1, 2023;
- (3) Clarifying that the county surcharge on transient accommodations tax shall not apply to written contracts entered into before January 1, 2022; and
- (4) Deleting an unnecessary provision regarding fiscal year taxpayers and the taxable year in which the county surcharge on transient accommodations tax becomes effective.

As affirmed by the record of votes of the members 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. 321, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 321, 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, 8. Noes, none. Excused, 3 (Shimabukuro, Taniguchi, Wakai).

SCRep. 1563 Ways and Means on H.B. No. 1041

The purpose and intent of this measure is to conform state income tax law and estate and generation—skipping transfer tax law to the Internal Revenue Code of 1986, as amended as of December 31, 2020.

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

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

Your Committee recognizes that this administrative measure serves as legislation to comply with sections 235-2.5(c) and 236E-4(c), Hawaii Revised Statutes, which require the Department of Taxation to submit to the Legislature for each Regular Session legislation to adopt the Internal Revenue Code as it exists on the December 31 preceding the Regular Session. The purpose is to conform relevant state tax laws to those changes made to the federal Internal Revenue Code during the past year, to the extent that those changes are appropriate for the State.

Your Committee has amended this measure by:

- (1) Specifying that certain provisions in the federal Internal Revenue Code of 1986, as amended, relating to exclusions from income, disaster tax relief, and retirements plans shall be operative for the purposes of state income tax law;
- (2) Changing the effective date to make the measure effective upon its approval; 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. 1041, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1041, 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, 8. Noes, none. Excused, 3 (Shimabukuro, Taniguchi, Wakai).

SCRep. 1564 Ways and Means on H.B. No. 1298

The purpose and intent of this measure is to transfer excess moneys from various funds to the general fund.

For the purpose of a public hearing, your Committee circulated a proposed S.D. 1 (Proposed Draft) of the measure and notified the public that your Committee would be accepting testimony on the Proposed Draft, which:

- (1) Adds the following funds to the measure and authorizes transfer of the following amounts to the general fund:
 - (A) S-351-G-COVID19 RESPONSE: \$7,000,000;
 - (B) S-309-H-STATE HEALTH PLANNING AND DEV.: \$400,000;
 - (C) S-311-H-TRAUMA SYSTEM: \$5,000,000;
 - (D) S-319-H-ELECTRONIC DEVICE RECYCLING: \$1,000,000;
 - (E) S-331-H-EARLY INTERVENTION: \$1,000,000;
 - (F) S-334-H-DISABILITY AND COMM ACCESS BOARD: \$3,000,000; and
 - (G) S-340-H-ENVIRONMENTAL HTH PGM ENHANCE: \$6,000,000; and
- (2) Clarifies that the amounts to be transferred are indicated in dollars.

Your Committee received testimony in support of the Proposed Draft from the Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources; and University of Hawaii.

Your Committee received testimony in opposition to the Proposed Draft from the Department of Education, Department of Agriculture, Disability and Communication Access Board, State Health Planning and Development Agency, Office of Enterprise Technology Services, The Queen's Health Systems, Hawaii Pacific Health, Wilcox Medical Center, Hawaii Coffee Association, and one individual.

Your Committee received comments on the Proposed Draft from the Department of the Attorney General, Department of Public Safety, Department of Labor and Industrial Relations, Department of Human Services, Department of Health, Department of Taxation, Hawaii State Energy Office, Hawaii Public Utilities Commission, Hawaii Farm Bureau, and Hawaii Cattlemen's Council.

Your Committee finds that the funds listed in this measure contain moneys in excess of what is necessary for the purposes of each of those funds and that the excess amounts should be transferred to the general fund.

Your Committee has amended this measure by adopting the Proposed Draft and further amending the measure by deleting the following funds:

- (1) S-333-M-INFORMATION MGMT & TECHNOLOGY SVCS;
- (2) S-301-A-AGRICULTURAL LOAN RESERVE FUND;
- (3) S-304-A-PEST INSPECTION, QUARANTINE & ERADICATION FUND;
- (4) S-305-A-NON-AGRICULTURAL PARK LANDS SPECIAL FUND;
- (5) S-308-A-SEAL OF QUALITY SPECIAL FUND;
- (6) S-310-A-AQUACULTURE LOAN RESERVE FUND;
- (7) S-319-A-GENERAL ADMINISTRATION FOR AGRICULTURE;

- (8) S-321-A-AGR DEV/FOOD SECURITY ADD;
- (9) S-331-A-AGRICULTURAL DEVELOPMENT & FOOD SECURITY;
- (10) S-333-A-AGR DEV/FOOD SECURITY PI;
- (11) S-335-A-AGR DEV/FOOD SECURITY ARM;
- (12) S-337-A-AGRIBUSINESS DEVELOPMENT & RESEARCH;
- (13) S-354-A-HAWAII WATER INFRASTRUCTURE SPEC FUND;
- (14) S-325-E-USE OF SCHOOL FACILITIES FUND;
- (15) S-314-H-NEUROTRAMA SPECIAL FUND;
- (16) S-315-H-ENVIRONMENTAL HEALTH ADMINISTRATION;
- (17) S-322-H-NOISE, RADIATION, & INDOOR AIR QUALITY SF;
- (18) S-323-H-ASBESTOS & LEAD ABATEMENT SPECIAL FUND;
- (19) S-368-K-NURSING FACILITY SUSTAINABILITY SP FUND;
- (20) S-372-K-NURSING FACILITY SUSTAINABILITY SP FUND; and
- (21) S-382-K-NURSING FACILITY SUSTAINABILITY PROG SF.

As affirmed by the record of votes of the members 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. 1298, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1298, 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, none.

SCRep. 1565 Ways and Means on H.B. No. 1299

The purpose and intent of this measure is to repeal, abolish, or reclassify various non-general funds and transfer the balance of each repealed or abolished fund to the general fund.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Department of Business, Economic Development, and Tourism; and Department of Land and Natural Resources.

Your Committee received testimony in opposition to this measure from the Judiciary, Department of Hawaiian Home Lands, Department of Agriculture, University of Hawaii, Healthcare Association of Hawaii, Hawaii Food Industry Association, Chamber of Commerce Hawaii, Hawaii Restaurant Association Educational Foundation, Hawaii Tropical Fruit Growers, The Queen's Health Systems, Hawaii Sheep and Goat Association, Hawaii Export Nursery Association, Hawaii Coffee Association, and one individual.

Your Committee received comments on this measure from the Department of the Attorney General, Department of Public Safety, Department of Human Services, Department of Labor and Industrial Relations, Department of Transportation, Department of Education, Department of Health, Hawaii State Energy Office, Hawaii Public Utilities Commission, Center for Hawaiian Sovereignty Studies, Hawaii Farm Bureau, Hawaii Floriculture and Nursery Association, Hawaii Tropical Flower Council, Orchid Growers of Hawaii, and Hawaii Cattlemen's Council.

Your Committee finds that repealing or abolishing various non-general funds will promote government transparency and efficiency.

Your Committee has amended this measure by:

- (1) Repealing the definition of "water infrastructure special fund" in section 155-31, Hawaii Revised Statutes;
- (2) Amending section 155-33(2), Hawaii Revised Statutes, to repeal a reference to the water infrastructure special fund; 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. 1299, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1299, 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, none.

SCRep. 1566 Ways and Means on H.B. No. 80

The purpose and intent of this measure is to amend the State's low-income housing tax credit.

- (1) Allows the low-income housing tax credit to be allocated in any manner agreed to by the parties, regardless of whether an individual or entity receiving an allocation is deemed to be a partner or member for federal income tax purposes;
- (2) Allows individuals or entities to be admitted to a partnership or limited liability company after the end of the taxable year, but before the individual or entity files its tax return;

- (3) Requires claims for the tax credit to include an Internal Revenue Service Form 8609;
- (4) Provides that for taxable years after December 31, 2020:
 - (A) Certain federal provisions relating to the installment method, at-risk rules, and passive activity loss rules shall not be operative;
 - (B) All allocations to partners or members of their distributive shares of income, loss, and deductions under state income tax law shall be made in accordance with the written agreement of the partners or members;
 - (C) The total amount of state credits allocated for a qualified low-income building shall not exceed fifty percent of the total amount of federal tax credits allocated to the building for the ten-year federal credit period; and
 - (D) The deductions and expenses claimed by all Hawaii taxpayers on Hawaii income tax returns shall not exceed the deductions and expenses claimed by all taxpayers on federal returns;

provided that the foregoing shall not apply to any building that ceases to serve low-income households in accordance with federal and state low-income housing tax credit programs; and

(5) Extends the sunset date of Act 129, Session Laws of Hawaii 2016, from December 31, 2021, to December 31, 2027.

Your Committee received testimony in support of this measure from Bank of Hawaii; Dowling Company, Inc.; Hunt Companies-Hawaii and Hunt Capital Partners, LLC; Maui Chamber of Commerce; Stanford Carr Development, LLC; and Sugar Creek Capital.

Your Committee received comments on this measure from the Department of Budget and Finance, Department of Taxation, Tax Foundation of Hawaii, and one individual.

Your Committee believes that partners or members of a partnership or limited liability company should be able to decide how to allocate any low-income housing tax credits earned during a taxable year. Your Committee recognizes that, because the State's low-income housing tax credit law incorporates the federal tax provisions that relate to at-risk rules and passive activity loss rules, the state tax credit attracts a limited scope of investors. Accordingly, your Committee believes that by specifying that the state tax credit shall not be subject to federal tax provisions, the scope of taxpayers who will use the tax credit will increase and thus spur investment in subsidized housing for low-income residents.

Your Committee has amended this measure by:

- (1) Specifying that the low-income housing tax credit may be allocated by a partnership or limited liability company in any manner agreed to by the partners or members, so long as each individual or entity that receives an allocation of the credit is deemed to be a partner or member pursuant to applicable state law;
- (2) Deleting language allowing an individual or entity to be admitted to a partnership after the end of the taxable year, but before the individual or entity files a tax return;
- (3) Specifying that it is not the intent of the measure to jeopardize the receipt of federal funds; and
- (4) Changing the effective date to July 1, 2051, 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 H.B. No. 80, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 80, 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, 10; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (Shimabukuro).

Rep. 1567 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 468

The purpose and intent of this measure is to remove Medicare Part B reimbursement for spouses of employee-beneficiaries hired on or after July 1, 2021.

Your Committees did not receive any testimony on this measure.

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 replacing its contents with that of S.B. No. 1087, S.D.1 (Regular Session of 2021), which was previously passed by the Senate, and temporarily suspends the requirement for public employers to make annual required contributions to the Hawaii Employer-Union Health Benefits Trust Fund through fiscal year 2024-2025.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Budget and Finance and City and County of Honolulu Department of Budget and Fiscal Services. Your Committees received comments on the proposed S.D. 1 from the Hawaii Employer-Union Health Benefits Trust Fund and Grassroot Institute of Hawaii.

Your Committees find that the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) is a state agency that provides eligible state and county employees and retirees and their eligible dependents with health and life insurance benefits. EUTF receives monthly contributions known as "pay-as-you go" premiums from state and county employers that are used towards the payment of costs for the beneficiaries' health benefit and group life insurance plans.

In 2013, to reduce EUTF's substantial amount of unfunded liability, the Legislature passed Act 268, Sessions Laws of Hawaii 2013, which required EUTF to establish a separate trust fund entitled the Other Post-Employment Benefits (OPEB) Trust, into which the public employers must pay annual required contributions, to pre-fund the OPEB plan costs for existing employees and pay down EUTF's existing unfunded liability. The amount of annual required contribution is determined by EUTF, and beginning fiscal year 2018-2019, public employers were required to pay an amount sufficient to fully cover the "normal cost", which is the OPEB cost

attributable to the current year of service and the "amortization payment", which is a catch-up payment for past service costs to fund the unfunded actuarial accrued liability over the next thirty years.

In July 2020, to address the \$2.3 billion budget shortfall caused by the coronavirus disease 2019 (COVID-19) pandemic, the Governor suspended the State's required payment of the annual contributions to EUTF for the fiscal year ending June 30, 2021. As a result, for fiscal year 2020-2021, the state and county contributions will be limited to their share of the monthly "pay-as-you-go" premiums and claims expenses. The proposed S.D.1 of this measure extends this suspension for four more years, until fiscal year 2024-2025.

Your Committees find that extending this temporary suspension of annual required contributions is one of the cornerstones of the Governor's approach to balancing the general fund financial plan. According to the Department of Budget and Finance, the four-year suspension will reduce the State's fixed costs by \$1,434,439,000, and will provide the State and other public employers with the flexibility to address budgetary shortfalls while the economy recovers from the impact of the COVID-19 pandemic.

Your Committees also recognize the negative impacts of the elongated suspension of the annual required contribution payments. Prefunding of the OPEB is a sound, long-term budget policy that hedges against the risk of EUTF's annual current benefits payments outpacing its revenues. Prefunding also allows the investment earnings from the funds to be used in the future for payment of retiree premiums. The suspension of contributions will delay the public employers from reaching a full-funded status of their OPEB funds unless payments are accelerated after the suspension is repealed. According to projections by EUTF, the proposed S.D. 1 will increase EUTF's unfunded liability, resulting in a net increase of \$4,100,000,000 in the State's required payments for fiscal years 2026 to 2055. Your Committees find it crucial that measures be taken to offset this increase, and believes the elimination of the state and county employers' obligation to reimburse Medicare Part B premiums to spouses of future EUTF employee-beneficiaries, as proposed in this measure, which is estimated to save the State \$1,200,000,000 over the next thirty years, to be a plausible option.

Accordingly, your Committees have amended this measure by adopting the proposed S.D. 1 and further amending it by:

- (1) Inserting a new part that requires EUTF to:
 - (A) Examine and assess possible means to offset the future increase in the State's annual required contributions resulting from the extended suspension of payment until fiscal year 2024-2025, including the assessment of the negative and positive impacts of amending section 87A-23, Hawaii Revised Statutes, as proposed in H.B. No. 468, H.D. I (Regular Session of 2021); and
 - (B) Submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022; 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. 468, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 468, 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, 4. Noes, none. Excused, 1 (Ihara).

Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 1568 (Joint) Agriculture and Environment and Water and Land and Government Operations and Judiciary and Ways and Means on H.B. No. 1318

The purpose and intent of this measure is to:

- (1) Establish the Environmental Advisory Council with the composition, functions, and duties similar to the Environmental Council under sections 341-6 and 343-6, Hawaii Revised Statutes and;
- Transfer the rights, powers, employees, appropriations, and other personal property from the Office of Environmental Quality Control to the Office of Planning; and
- Amend the ability for an applicant to appeal nonacceptance of an environmental impact statement from the Environmental Council to the Environmental Advisory Council.

Your Committees received testimony in support of this measure from the State Environmental Council, Office of Planning, and Office of Environmental Quality Control. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that achieving an abundant and sustainable future for Hawaii will require re-envisioning the State's institutional framework to better integrate sustainability principles into the organizational structure of state government, especially in planning, land use, environmental, and economic development programs. Further, it is in the public interest to transfer the Office of Environmental Quality Control and the Environmental Council to the Office of Planning to improve the coordination of these related planning functions to allow state government to work more efficiently to achieve the State's long-term environmental quality goals for a more abundant future for the people of Hawaii.

Your Committees find that the statutory duty of the Environmental Council is to monitor the progress of the state, county, and federal agencies in achieving the State's environmental goals and policies. The Environmental Council consists of up to fifteen members that are appointed to ensure a broad and balanced representation of environmental protection and sustainable development. The fifteen-member makeup of the Environmental Council is optimal to ensure a holistic approach to balance environmental protection and sustainable development. Further, your Committees note that the Environmental Council recently updated title 11, chapter 200, Hawaii Administrative Rules, relating to environmental impact statements. In the process of updating the administrative rules, it was

found that the current membership from various backgrounds contributed to lively, productive discussions to comprehensively change rules. Therefore, your Committees find that reducing the number of members on the Environmental Council could risk the loss of important perspectives on matters concerning ecological and environmental quality. In addition, your Committees find that the Environmental Council consists of five subcommittees. To properly task these subcommittees, the Environmental Council suggested that the membership of the Council remain at fifteen members.

Your Committees note concerns that members of the Environmental Council that are appointed should ensure that the optimal quality of the environment is maintained through a balanced representation of environmentally pertinent interests, such as natural and social sciences, educational and research institutions with environmental competence, sustainable business practices, land conservation and stewardship, pollution prevention, and waste reduction.

Your Committees further find that the Environmental Council does not have its own budget and relies on volunteers to complete its annual report. While your Committees note the testimony of the State Environmental Council that it should not be held to the requirement to produce an annual report if it no longer serves its intended purpose and seeks to spend its efforts in other roles, such as community outreach and developing guidance on rules regarding environmental impact statements, your Committees find that the Office of Planning must prepare an annual report for the Legislature and therefore can include the Environmental Council's report as a part of their annual submission.

Additionally, your Committees find that under section 343-5(e), Hawaii Revised Statutes, appeals for a non-acceptance determination on its final environmental impact statement can be appealed directly to the Environmental Council. The Environmental Council testified that it is not proficient to function as a quasi-judicial body due to a lack of resources, equipment, and staffing, and because determination of the sufficiency of an environmental impact statement properly lies with technical experts at relevant agencies reviewing these documents. While the Environmental Council is responsible for promulgating the administrative rules under chapter 343, Hawaii Revised Statutes, the determination of the sufficiency of an environmental impact statement properly lies with the technical experts at the relevant agencies in reviewing those documents.

Although your Committees have heard concerns as to whether applicants can properly exhaust administrative remedies if non-acceptance of final environmental impact statements are directly appealed to the Environmental Court, because the determination of findings of fact and conclusions of law lie with the accepting agency tasked with reviewing technical documents, these applicants can affirmatively exhaust these remedies. Further, your Committees find that the current process of appealing nonacceptance of final environmental impact statements creates a differing standard of review for applicants who utilize this process before appealing their case to the Environmental Court, leading to potential due process issues.

Your Committees have amended this measure by:

- (1) Requiring the Office of Planning to include the Environmental Council's annual report and recommendations in the Office of Planning's annual report to the Legislature;
- (2) Restoring section 341-2, Hawaii Revised Statutes, and amending the definitions of "council", "director", and "office"; and repealing the definitions of "center" and "university";
- (3) Providing that the Office of Planning shall consult with affected agencies and the Environmental Advisory Council prior to adopting, amending, or repealing necessary rules;
- (4) Repealing language that requires rules promulgated by the Office of Planning to prescribe procedures to appeal the nonacceptance of an environmental impact statement to the Environmental Council;
- (5) Providing that all rules and other material adopted or developed by the Department Of Health, Environmental Council, or the Office of Environmental Quality Control to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the Office of Planning by this measure shall remain in full force and effect until amended or repealed by the Office of Planning pursuant to chapter 91, Hawaii Revised Statutes;
- (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 Agriculture and Environment, Water and Land, Government Operations, 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. 1318, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1318, 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; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, 1 (Rhoads).

Water and Land: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Government Operations: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Judiciary: Ayes, 6; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, 1 (Keohokalole).

Ways and Means: Ayes, 8; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (Kidani, Shimabukuro, Taniguchi).

SCRep. 1569 Judiciary on H.B. No. 459

The purpose and intent of this measure is to add a permanent disqualification for a holder of a commercial driver's license or commercial learner's permit who is convicted of a felony involving a severe form of trafficking in persons.

Your Committee received testimony in support of this measure from the Hawaii Transportation Association and two individuals.

Your Committee finds that on July 23, 2019, the Federal Motor Carrier Safety Administration of the United States Department of Transportation issued a final rule that amends title 49 Code of Federal Regulations parts 383 and 384. The amendments made by the

final rule took effect on September 23, 2019. Under the final rule, drivers who are convicted of a felony involving a severe form of trafficking in persons, as defined in title 22 United States Code section 7102(11), while operating a commercial motor vehicle for which a commercial driver's license or commercial learner's permit is required, are permanently banned from holding the license or permit without the possibility of reinstatement. The Federal Motor Carrier Safety Administration's final rule also requires states to come into substantial compliance with the federal Act within three years of the final rule's effective date. This measure brings the State into substantial compliance with these federal regulations.

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. 459, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 1570 Judiciary on H.B. No. 1086

The purpose and intent of this measure is to:

- (1) Provide veterinarians who provide emergency care to an animal, immunity from civil liability in the absence of gross negligence;
- (2) Provide veterinarians who render emergency treatment when there is no veterinarian-client-patient relationship, immunity from civil liability in the absence of gross negligence; and
- (3) Require veterinarians to report events of animal injury, death, or abuse to law enforcement where there is reasonable cause to believe that it relates to dogfighting or animal abuse and provide veterinarians immunity from civil liability for making the reports.

Your Committee received testimony in support of this measure from the Hawaii Board of Veterinary Medicine; Hawaiian Humane Society; Hawaii Veterinary Medical Association, Inc.; Pono Advocacy, LLC; Hawaii Association of Animal Welfare Agencies; Animal Rights Hawaii'; and forty-four individuals.

Your Committee finds that, under existing law, if an animal is taken to a veterinarian with non-life threatening injuries and there is no owner present nor a preexisting veterinarian-client-patient relationship, the veterinarian is only permitted to provide pain medications and antibiotics for a certain number of days, depending on whether the animal is microchipped. In some situations, veterinarians must wait to perform important surgeries or other essential procedures to provide animals with necessary relief. Accordingly, this measure allows a veterinarian to be a "good Samaritan" and provide emergency care outside of a preexisting veterinarian-client-patient relationship, while also protecting the veterinarian from civil liability when assisting an animal in need during an emergency. This measure also provides justified guidance to practicing veterinarians on reporting acts of animal abuse, cruelty, and staged fighting, similar to the laws in place in over twenty other states in the country. Reporting such events to law enforcement is beneficial to the community at large, as multiple studies have shown a link between perpetrators of animal abuse and domestic or child abuse, and other acts of violence. This measure is therefore important to help advance these significant public interests

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. 1086, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 1571 Judiciary on H.B. No. 1017

The purpose and intent of this measure is to repeal section 188-58.5, Hawaii Revised Statutes, which prohibits the taking or killing of female spiny lobsters, Kona crabs, and Samoan crabs.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Cates International, Inc.; Everything Fish, Inc.; and seven individuals.

Your Committee finds that existing state law prohibiting the taking or killing of female spiny lobsters, Kona crabs, and Samoan crabs was enacted in 2006 based on the best scientific information available at that time. Since then, information concerning Kona crabs has grown to the point where management measures for this species should be updated, as recent benchmark assessments have concluded that Kona crab populations are very healthy. Other studies have also suggested that the prohibition on the taking or killing of female spiny lobsters could potentially create a sex ratio and size imbalance that may inhibit successful reproduction. Your committee further finds that the Department of Land and Natural Resources can accomplish species management measures through the administrative rule-making process, which provides ample opportunity for public input and collection of scientific information. Accordingly, this measure repeals these unnecessary prohibitions and supports the Department of Land and Natural Resources' ability to adopt more appropriate administrative rules as information becomes available concerning these species.

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. 1017, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 1572 (Majority) Judiciary on H.B. No. 756

The purpose and intent of this measure is to:

- (1) Require that one of the at-large positions on the Board of Agriculture be the Chairperson of the Hawaiian Homes Commission;
- (2) Provide that the Chairperson of the Hawaiian Homes Commission shall not serve on the Board of Agriculture until the expiration of a current at-large member's term.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and Office of Hawaiian Affairs.

Your Committee finds that the Department of Agriculture supports, enhances, promotes, and protects the State's agriculture and aquaculture industries. The Hawaiian Homes Commission Act authorizes the Department of Hawaiian Home Lands to lease agricultural lands or lands used for aquaculture purposes. As the State looks to increase food security across the State, the interests of agricultural homestead lessees should be represented on the Board of Agriculture. This measure requires one of the at-large members of the Board of Agriculture to be filled by the Chairperson of the Hawaiian Homes Commission.

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. 756, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Acasio). Noes, 1 (Fevella). Excused, none.

SCRep. 1573 (Majority) Judiciary on H.B. No. 1030

The purpose and intent of this measure is to repeal the Aquatic Life Committee and Wildlife Advisory Committee and make conforming amendments.

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

Your Committee finds that the Department of Land and Natural Resources (DLNR) has implemented its fiscal program review to reduce its expenditures, prioritize its functions and activities, and streamline its primary programs due to anticipated budget reductions resulting from the impacts of the coronavirus disease 2019 pandemic. Accordingly, DLNR has determined that the Aquatic Life and Wildlife Advisory Committees have rarely convened, have not been needed, and are outdated. Your Committee notes that there is sufficient representation on the Animal Species Advisory Commission to carry out the duties of these committees, and DLNR remains able to administratively convene a similar advisory committee if it deems necessary. This measure will therefore assist DLNR in its efforts to improve efficiency.

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. 1030, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1574 (Majority) Judiciary on H.B. No. 1031

The purpose and intent of this measure is to reduce the number of members on the Hawaii Historic Places Review Board.

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

Your Committee finds that the Hawaii Historic Places Review Board's (HHPRB) principal duties are to list places in the Hawaii Register of Historic Places and to recommend nomination of places to the National Register of Historic Places. Existing state law requires the HHPRB to consist of ten members to carry out these duties. However, the HHPRB has had the full complement of its ten statutory members for approximately twelve months out of the last seven years. Moreover, the HHPRB currently has two vacancies and two additional members will reach the end of their second term in the coming months. Due to existing quorum and voting requirements, all appointed members must be present and any motion to list a property to the historic registers requires a unanimous yes vote. Accordingly, this measure reduces the HHPRB from ten to seven members to ease the current recruitment difficulties, reduce the potential for the HHPRB to be unable to meet and conduct business due to lack of quorum, and addresses the problem of positive listing decisions requiring a unanimous yes vote. Your Committee further notes that this measure does not alter the qualifications required for the five expert members and meets the federal requirements established in the National Historic Preservation 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 H.B. No. 1031, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 1575 Judiciary on H.B. No. 663

The purpose and intent of this measure is to amend how the members of the Game Management Advisory Commission (GMAC) are appointed.

Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the GMAC advises the Department of Land and Natural Resources on policies regarding the management, protection, and promotion of public hunting in Hawaii. This measure requires that members appointed to the GMAC be selected from a list of names submitted by the President of the Senate and the Speaker of the House, providing the Legislature with a broader level of involvement in the development of the GMAC.

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. 663, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 1576 Judiciary on H.B. No. 940

The purpose and intent of this measure is to:

- (1) Mandate reporting of suspected financial exploitation of elders and vulnerable adults in relation to securities;
- (2) Provide immunity for good faith reporting; and
- (3) Authorize the delay of disbursements and transactions in situations of suspected financial exploitation.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Maui Police Department, Securities Industry and Financial Markets Association, National Association of Insurance and Financial Advisors Hawaii, Securities Industry Association of Hawaii, and one individual. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that financial exploitation of elders is the fastest growing form of elder abuse and can result in devastating consequences for victims, including fear, loss of independence, reduced quality of life, and even death. Your Committee further finds that this measure is based on a securities model act from 2016 that has since been enacted in more than two-dozen states across the country and addresses existing privacy rules and concerns about potential legal exposure and liability that may make it difficult for securities professionals to contact regulators and other government authorities to report suspected financial exploitation. This measure enables financial institutions and the State to work together in preventing, identifying, and addressing cases of financial abuse to combat this growing threat to Hawaii's elders and vulnerable adults.

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. 940, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 1577 Judiciary on H.B. No. 975

The purpose and intent of this measure is to add immunity from civil and criminal liability for 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 and Hawai'i Psychological Association. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawaii Family Advocacy Team.

Your Committee finds that the federal Child Abuse and Prevention Act (CAPTA) provides federal funding and guidance to states in support of prevention, assessment, investigation, prosecution, and treatment activities for child abuse and neglect. As amended by the federal Victims of Child Abuse Act Reauthorization Act of 2018 (2018 Reauthorization Act), CAPTA provides immunity from civil and criminal liability for individuals who provide information or assistance in child abuse investigations.

Your Committee further finds that CAPTA, as amended by the 2018 Reauthorization Act, requires the states to be in compliance with the immunity amendments as a condition for receipt of federal funds. The U.S. Department of Health and Human Services' Administration for Children and Families has set a deadline of June 30, 2021, for Hawai'i to be compliant with this requirement. Your Committee finds that this measure will bring the State into compliance with CAPTA prior to the deadline and ensure the State's eligibility for receipt of future federal funds.

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. 975, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1578 Judiciary on H.B. No. 1032

The purpose and intent of this measure is to update the Uniform Controlled Substances Act, chapter 329, Hawaii Revised Statutes, to reflect recent amendments in the federal controlled substances law, as required by section 329-11, Hawaii Revised Statutes.

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

Your Committee finds that existing state law requires the Department of Public Safety to recommend that the Legislature make corresponding changes to state law, or to make an emergency scheduling action, if a controlled substance is added, deleted, or rescheduled under federal law. Accordingly, the Department of Public Safety temporarily designated several substances as controlled substances in 2020 to correspond to several similar changes made by the United States Drug Enforcement Administration to the federal controlled substances schedules. Thus, to avoid nullification of these temporary designations, this measure makes permanent those temporary designations to conform state law to federal law. This measure further aligns the State with recent federal action to remove certain approved cannabidiol drugs from controlled substances regulation, including any future generic equivalents, which have been used to treat seizure disorders in children.

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. 1032, H.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1579 (Majority) Judiciary on H.B. No. 1096

The purpose and intent of this measure is to require the Department of Health to convene a task force to recommend amendments to the Hawaii Revised Statutes to update existing parentage laws that reflect outdated, cisheteronormative concepts of families, parenthood, and parental rights.

Your Committee received testimony in support of this measure from the Department of Health, Rainbow Family 808, Planned Parenthood Votes Northwest and Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, AF3IRM Hawai'i, Hawai'i Women's Coalition, Associated Students of the University of Hawai'i at Mānoa, American Civil Liberties Union of Hawai'i, Hawai'i Women Lawyers, Ma'i Movement Hawai'i, and forty individuals. Your Committee received testimony in opposition to this measure from five individuals. Your Committee received comments on this measure from the Adoption Circle of Hawai'i.

Your Committee finds that existing parentage laws reflect outdated, cisheteronormative concepts of families, parenthood, and parental rights. Under existing law, only male partners of birthing people are afforded the option to volunteer themselves as the other legal parent and establish parenthood on a birth certificate. As a result, non-male LGBTQ+ parents are subject to a "queer parent penalty". That is, female, non-binary, and queer partners are forced to undergo extreme financial and emotional burdens to obtain an adoption decree for legal recognition as their child's parent. This measure convenes a working group to recommend amendments to the Hawaii Revised Statutes to update existing paternity laws to reflect modern concepts of family, parenthood, and parental 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 H.B. No. 1096, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Fevella). Noes, 1 (Gabbard). Excused, none.

SCRep. 1580 Ways and Means on H.B. No. 78

The purpose and intent of this measure is to allow public utilities to build high-voltage electric transmission systems without first receiving approval from the Public Utilities Commission if certain conditions are met.

Your Committee received written comments in support of this measure from the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, Public Utilities Commission, and Hawaiian Electric Company.

Your Committee finds that this measure will help to streamline the Public Utilities Commission's regulatory process while allowing the Commission to maintain appropriate oversight of public utility operations and investments.

As affirmed by the record of votes of the members 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. 78, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1581 (Majority) Ways and Means on H.B. No. 357

The purpose and intent of this measure is to include any claim against the State founded upon article I, section 20, of the Hawaii State Constitution among other claims that are subject to the two-year statute of limitations.

Your Committee received written comments in support of this measure from the Department of Transportation, Department of the Attorney General, Department of Land and Natural Resources, and one individual.

Your Committee recognizes that in *DW Aina Le'a Dev., LLC v. State Land Use Comm'n,* 148 Haw. 396, 477 P.3d 836, 837 (2020), the Hawaii Supreme Court ruled that the statute of limitations for a regulatory taking is six years, pursuant to the State's "catch-all" statute of limitations under section 657-1(4), Hawaii Revised Statutes. Your Committee finds that the explicit establishment of a two-year statute of limitations applicable to all inverse condemnation actions against the State will clarify the timeframe within which a plaintiff is required to file a claim for this type of action against 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 H.B. No. 357, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 1582 (Majority) Judiciary on H.B. No. 1028

The purpose and intent of this measure is to repeal section 171-8.5, Hawaii Revised Statutes, establishing the Koke'e State Park Advisory Council.

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

Your Committee finds that the Koke'e State Park Advisory Council is tasked with reviewing and assisting in updating, revising, and implementing the Koke'e State Park Master Plan; advising and assisting in the management of the Koke'e recreational cabin leases; enhancing community education and cultural awareness of Koke'e State Park; and participating in the protection and preservation of Koke'e State Park's natural and cultural resources. Your Committee further finds that the Koke'e State Park Advisory Council's work led to the development and completion of the Koke'e/Waimea Canyon Final Master Plan and Environmental Impact Statement in 2015. Your Committee finds, however, that the Koke'e State Park Advisory Council has not met in over five years nor has it been populated with necessary members.

Your Committee additionally finds that the implementation of the Koke'e/Waimea Canyon Final Master Plan can take years, if not decades, and requires consultation and community collaboration to have a successful outcome. Community advisory groups and other

organizations are more flexible than legislatively appointed groups and are equally able to develop long-term relationships with the Division of State Parks. Because the Koke'e State Park Advisory Council has completed the plan it was created to develop and because the implementation of that plan is more appropriately undertaken by other bodies, this measure repeals the statutory establishment of the Koke'e State Park Advisory Council.

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 H.B. No. 1028, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1028, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 1583 (Majority) Judiciary on H.B. No. 608

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;
- (2) Require the Board to include an open forum for public comments on non-agenda items;
- (3) Require a report to the Legislature on implementing open forums; and
- (4) Eliminate the Superintendent of Education as a voting member constituting the public employer for the purpose of negotiating a collective bargaining agreement with personnel of the Department of Education.

Your Committee received testimony in support of this measure from Americans for Democratic Action. Your Committee received testimony in opposition to this measure from the Department of Education and League of Women Voters. Your Committee received comments on this measure from the Board of Education and Office of Information Practices.

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.

Your Committee notes that, because part II of this measure eliminates the Superintendent of Education as a voting member constituting the public employer for the purpose of negotiating a collective bargaining agreement and the title of this measure is "RELATING TO THE BOARD OF EDUCATION", this measure may be in conflict with the requirement under article 3, section 14, of the Hawaii State Constitution, that "[each] law shall embrace but one subject, which shall be expressed in its title". Your Committee encourages further discussion on this issue as this measure proceeds through the legislative process.

Your Committee has amended this measure by:

- (1) Clarifying that community forums are not subject to the requirements of chapter 92, 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 H.B. No. 608, 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. 608, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, 1 (Acasio). Excused, none.

SCRep. 1584 Judiciary on H.B. No. 1036

The purpose and intent of this measure is to authorize the Department of Public Safety to maintain a list of independent civil process servers and amend several statutes to allow process servers to serve specific types of legal documents.

Your Committee received testimony in support of this measure from the Judiciary, Department of Public Safety, Hawai'i State Bar Association, and Collection Law Section of the Hawai'i State Bar Association.

Your Committee finds that Act 116, Session Laws of Hawaii 2013 (Act 116), as amended by Act 101, Session Laws of Hawaii 2015, sunset on June 30, 2020. The sunsetting resulted in a repeal of numerous sections of the Hawaii Revised Statutes, which removed express language authorizing process servers to serve specific types of legal documents. This measure will reimplement the substantive provisions of Act 116 to ensure the efficiency and fairness of the service of process in Hawaii'i.

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 H.B. No. 1036, 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. 1036, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 1585 Judiciary on H.B. No. 991

The purpose and intent of this measure is to:

- (1) Authorize the Department of Health to disclose vital statistics records for public health and law enforcement purposes; and
- (2) Update eligibility requirements for access to confidential vital statistics records.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Health, and Honolulu Police Department. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Information Practices and Civil Beat Law Center for the Public Interest.

Your Committee finds that the appropriate sharing of vital records is in the public interest, particularly to facilitate research to help define unique issues in the State. This measure will allow the Department of Health greater discretion to disclose vital records in certain circumstances for legitimate government and research functions. Your Committee notes, however, that a mechanism already exists for law enforcement agencies to access vital records in the course of an investigation in appropriate circumstances. Although the intention of your Committee is not to restrict access by law enforcement to vital records when necessary, your Committee finds that the existing provisions are sufficient to meet law enforcement's need to access vital records and has established safeguards that your Committee finds favorable.

Your Committee has amended this measure by:

- (1) Deleting language authorizing the Department of Health to disclose vital statistics records for law enforcement purposes; 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. 991, 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. 991, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 1586 Judiciary on H.B. No. 1237

The purpose and intent of this measure is to clarify that the effective period of a temporary restraining order, protective order, or injunction for a minor may extend to a reasonable date after the minor has reached the age of eighteen.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Hawai'i Youth Services Network, Domestic Violence Action Center, and one individual.

Your Committee finds that temporary restraining orders, protective orders, and injunctions against harassment for a minor typically expire when the minor reaches the age of majority because there is ambiguity regarding whether the courts have the authority to issue these orders for a period that extends beyond the date when a minor turns eighteen years of age. Your Committee further finds that the formerly protected individual is then forced to return to court and refile the order or injunction, which places an additional burden on the individual requiring protection, could cause a gap in the legal protection, and increases the workload of the Judiciary. This measure eliminates the automatic termination of the order or injunction and permits the extension of the order's or injunction's effective period, thereby ensuring the protection of individuals in the State.

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 H.B. No. 1237, 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. 1237, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1587 Judiciary on H.B. No. 171

The purpose and intent of this measure is to change the state of mind required for section 486M-7, Hawaii Revised Statutes, penalties to intentionally or knowingly.

Your Committee received testimony in support of this measure from the Office of the Public Defender and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Hawai'i Pawnbrokers Association and two individuals. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that pawnbrokers and secondhand dealers are required to maintain certain records and make them available to law enforcement to deter the purchase of stolen goods. Stolen property is often sold as secondhand items under the guise of legitimate business transactions. Your Committee further finds that recent efforts to bring dealers into compliance have been frustrated by the high state of mind standard, and that violations of the pawnbrokers and secondhand dealers law requires proof that a person knowingly purchased stolen property. This is a high bar that is typically only satisfied through a confession. Your Committee finds that this measure is necessary to deter the movement of stolen property through legitimate business channels.

Your Committee has amended this measure by:

(1) Changing the state of mind requirement to intentionally, knowingly, or recklessly; 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. 171, 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. 171, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 1588 Judiciary on H.B. No. 125

The purpose and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act that protects from employers and educational institutions, online accounts maintained by employees, unpaid interns, independent contractors, prospective employees, students, prospective students, and parents or legal guardians of students under the age of eighteen years.

Your Committee received testimony in support of this measure from the Department of Education, Hawai'i Civil Rights Commission, and Commission to Promote Uniform Legislation. Your Committee received testimony in opposition to this measure from the American Council of Life Insurers.

Your Committee finds that privacy is a growing concern as social media use rises and employers increasingly ask current and prospective employees to grant the employer access to social media accounts. Likewise, many educational institutions seek to examine the social media presence of current and prospective students. Your Committee further finds that employers and educational institutions have the power to coerce access to non-public information of prospective and current employees and students' personal online accounts. Allowing access to non-public online information to those who have leverage over a person's education and livelihood may lead to discrimination, self-censorship, and the chilling of free expression. This measure protects employee and student online account information from the demands of employers and educational institutions while ensuring that employers and educational institutions are able to address non-compliance with laws and regulations that directly impact them.

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. 125, 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. 125, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1589 (Joint) Judiciary and Commerce and Consumer Protection on H.B. No. 1088

The purpose and intent of this measure is to ban the import for profit, sale, and offer for sale of any cosmetic in the State if the final product or any component of the final product was developed or manufactured using animal testing performed on or after January 1, 2024

Your Committees received testimony in support of this measure from the Department of Health, Humane Society of the United States, Hawaiian Humane Society, Ao Organics Hawaii, O'o Hawaii, Pure Mana Hawaii, Cruelty Free International, The Body Shop, Down to Earth, Animal Rights Initiative, Aloha Animal Advocates, and ten individuals.

Your Committees find that animals have been used to test cosmetic products for over fifty years. Your Committees further find that this practice has been widely condemned as cruel and unnecessary, and that it is now banned in numerous jurisdictions, including California, Nevada, Illinois, Israel, Norway, India, Switzerland, and the European Union. This measure establishes a prohibition on the sale of cosmetic products in the State that have been tested on animals.

Your Committees have amended this measure by:

- Requiring a manufacturer to disclose testing data for the prosecuting attorney's review upon the determination of a reasonable likelihood that a violation has been committed;
- (2) Consolidating language providing exemptions to the animal testing prohibition into a single statutory subsection; 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 Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1088, H.D. 3, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1088, H.D. 3, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 1590 (Joint) Commerce and Consumer Protection and Ways and Means on H.B. No. 247

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, to ensure condominium property regime projects within the agricultural district are used for agricultural purposes.

Your Committees received testimony in support of this measure from the Department of Agriculture, Office of Planning, Real Estate Commission, City and County of Honolulu Department of Planning and Permitting, Hawai'i Farm Bureau, Ulupono Initiative, and two

individuals. Your Committees received testimony in opposition to this measure from Island Banana Bread; We Are One Ministries; Mala O Ka Pono, LLC; fifty-two individuals; and a petition signed by over one thousand individuals.

Your Committees find that Act 278, Session Laws of Hawaii 2019 (Act 278), required the Office of Planning, in consultation with a number of other state agencies, to conduct a study of land subdivision and condominium property regime laws as they relate to agricultural land on Oahu and how these laws interact with certain City and County of Honolulu zoning ordinances. The goals of the stakeholder group convened pursuant to Act 278 were to keep suitable agricultural lands for agriculture; support farmers and farming; keep agricultural lands affordable for farming; enable long-term access to agricultural lands for farmers; and minimize the subdivision of and the creation of condominium property regimes on productive agricultural lands except for bona fide agricultural reasons. This measure reflects consensus language recommended by the stakeholders pursuant to Act 278 to establish statewide amendments to existing law to ensure that agricultural lands are used primarily for productive agricultural purposes and allow greater county enforcement.

Your Committees note the concerns raised in testimony that this measure, as currently drafted, unreasonably restricts small family-operated farms and may have the unintended consequence of impeding the creation of affordable housing options, particularly on the neighbor islands where most residents live on agricultural land. Therefore, amendments to this measure are necessary to address these concerns.

Your Committees have amended this measure by:

- (1) Clarifying that the required verified statement concerning the applicant's assessment and county comments regarding the availability of supportive infrastructure, potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules, shall apply only for projects containing greater than five units; and
- (2) Inserting an effective date of July 1, 2021.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 247, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 247, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 8. Noes, none. Excused, 3 (Kidani, Shimabukuro, Wakai).

SCRep. 1591 (Joint) Commerce and Consumer Protection and Ways and Means on H.B. No. 1062

The purpose and intent of this measure is to:

- (1) Clarify the validity period for a commercial learner's permit; and
- (2) Add a requirement for certain commercial driver's license applicants to complete an entry-level driver training course before taking other required tests for licensure to comply with federal regulations.

Your Committees received testimony in support of this measure from the Department of Transportation.

Your Committees find that, effective February 7, 2022, the Federal Motor Carrier Safety Administration will require states to comply with federal entry-level driver training regulations for certain first-time commercial driver's license applicants. Failure to comply with the federal mandate could result in millions of dollars being withheld from the federal Highway Trust Fund that would otherwise be appropriated to the State. Your Committees further note that approximately two-thirds of all states have already implemented this requirement. In light of the exceptional penalties that would be assessed against the State for failure to comply, this measure is important to bring parity with federal law and to ensure the State continues its eligibility to receive the full amounts apportioned to it from the federal Highway Trust Fund.

Your Committees have 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 records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1062, 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. 1062, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 2 (Shimabukuro, Wakai).

SCRep. 1592 Ways and Means on H.B. No. 224

The purpose and intent of this measure is to amend certain statutory provisions relating to the State Health Planning and Development Agency.

- (1) Makes the Department of Health alternatively responsible for the Agency's duties;
- (2) Requires the Agency or Department of Health to update the state health services and facilities plan every five years;

- (3) Transfers moneys in excess of \$2,000,000 in the state health planning and development special fund to the general fund at the end of each fiscal year;
- (4) Imposes an administrative penalty of an unspecified sum for each seven-day period during which a person violates or fails to act in compliance with an approved certificate of need granted by the Agency;
- (5) Exempts psychiatric services, special treatment facilities, and chronic renal dialysis services from the certificate of need requirements; and
- (6) Appropriates unspecified sums of moneys from the state health planning and development special fund to fund positions within the Agency.

Your Committee received written comments in support of this measure from the Department of Health, Institute for Justice, The Queen's Health Systems, Ohana Pacific Management Company, Hawaii Pacific Health, Satellite Healthcare, and U.S. Renal Care.

Your Committee received written comments in opposition to this measure from Liberty Dialysis Hawaii and eight individuals.

Your Committee received comments on this measure from the State Health Planning and Development Agency, Hawaii Substance Abuse Coalition, Hawaii Medical Service Association, Healthcare Association of Hawaii, and Hawaii Government Employees Association

Your Committee recognizes that the Governor has proposed to minimize costs by transferring the State Health Planning and Development Agency's role of administering the Certificate of Need program to the Department of Health. However, your Committee believes that alternative means should be implemented to meet the Governor's cost-saving goals because the Certificate of Need program, as administered by the Agency, is essential to ensure access to health care and the continued viability of the health care system.

Your Committee has amended this measure by:

- (1) Setting out specific definitions of the terms "psychiatric services", "special treatment facility", and "chronic renal dialysis services" for the purposes of exemptions from the certificate of need process; and
- (2) Specifying that the exemption from the certificate of need process for chronic renal dialysis services applies to those services provided in Oahu regional government hospitals.

As affirmed by the record of votes of the members 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. 224, 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. 224, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1593 Ways and Means on H.B. No. 485

The purpose and intent of this measure is to increase the amount of the rental motor vehicle surcharge tax.

Your Committee received written comments in support of this measure from one individual.

Written comments in opposition were received from the Hawaii Lodging and Tourism Association, Avis Budget Group, Castle Hospitality Group, and Enterprise Holdings.

The Department of Taxation and Grassroot Institute of Hawaii submitted written comments on the measure.

Your Committee finds that increasing the rental motor vehicle surcharge tax by a modest amount will help to offset the many impacts of tourism and rental motor vehicle use in the State.

Your Committee has amended this measure by:

- (1) Changing the amount of the rental motor vehicle surcharge tax from an unspecified amount to \$5.25 per day; and
- (2) Changing the effective date to January 1, 2022.

As affirmed by the record of votes of the members 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. 485, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 485, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Inouye, Wakai). Noes, none. Excused, none.

SCRep. 1594 Ways and Means on H.B. No. 572

The purpose and intent of this measure is to restructure the leadership of the Hawaii Emergency Management Agency.

- (1) Establishes the Hawaii Emergency Management Agency as an agency administratively attached to the Department of Defense;
- Requires that the Administrator of Emergency Management serve as the Director of the Hawaii Emergency Management Agency; and
- (3) Requires the Administrator of Emergency Management to be appointed by the Governor without the advice and consent of the Senate.

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 Department of the Attorney General and one individual.

Your Committee received written comments on this measure from the Hawaii Emergency Management Agency.

Your Committee finds that placing the Hawaii Emergency Management Agency within the Department of Defense for administrative purposes only will comply with the requirement established by Article V, section 6, of the Hawaii State Constitution, that permanent agencies be placed within a principal department.

Your Committee has amended this measure by:

- (1) Making a conforming amendment to section 26-21, Hawaii Revised Statutes, to specify that the Adjutant General shall not be the director of the Hawaii Emergency Management Agency;
- (2) Specifying that the Hawaii Emergency Management Agency shall be placed within the Department of Defense for administrative purposes only; and
- (3) Changing the effective date to July 1, 2022.

As affirmed by the record of votes of the members 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. 572, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 572, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1595 Ways and Means on H.B. No. 753

The purpose and intent of this measure is to amend the State's school impact fee law:

More specifically, this measure:

- (1) Exempts housing developed by the Department of Hawaiian Home Lands from school impact fees for three years;
- (2) Authorizes construction cost component impact fees to be used to improve or renovate existing structures for school use; and
- (3) Repeals a requirement that an expenditure plan for all collected impact fees be incorporated into the Department of Education's annual budget process.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Department of Hawaiian Home Lands, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments in opposition to this measure from Land Use Research Foundation of Hawaii.

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

Your Committee finds that exempting housing developed by the Department of Hawaiian Home Lands from school impact fees will help make more housing available for beneficiaries of the Department of Hawaiian Home Lands.

Your Committee has amended this measure by:

- Repealing a statutory prohibition against expending construction cost component impact fees for portable or temporary facilities; and
- (2) Changing the effective date to:
 - (A) Make the measure effective upon its approval; and
 - (B) Provide that section 302A-1603(b), Hawaii Revised Statutes, upon its repeal, shall be reenacted in the form in which it read before the effective date of 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 H.B. No. 753, 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. 753, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1596 Ways and Means on H.B. No. 767

The purpose and intent of this measure is to increase the efficiency of the Hawaii Farm to School Program, provide healthier food choices served in public schools, and support local agriculture.

- (1) Transfers the Hawaii Farm to School Program and Farm to School Coordinator from the Department of Agriculture to the Department of Education;
- (2) Establishes a goal that, by the year 2030, thirty percent of the food served in public schools shall consist of locally sourced products; and

(3) Requires the Department of Education to submit annual reports on the progress of meeting the goal.

Your Committee received written comments in support of this measure from the Department of Education, Hawaii Primary Care Association, Hawaii Farm Bureau, Local Food Coalition, Hawaii Cattlemen's Council, Land Use Research Foundation of Hawaii, Hawaii Alliance for Progressive Action, Hawaii Farm to School Hui, Hawaii Public Health Institute, Obesity Prevention Task Force, Ulupono Initiative, Climate Protectors Hawaii, 350Hawaii, Blue Zones Project, Ka Ohana O Na Pua, and ten individuals.

Your Committee received written comments on this measure from the Department of Agriculture.

Your Committee finds that supporting the Farm to School Program and increasing the amount of locally sourced food served in public schools will help to promote healthy eating habits in children while also supporting local agriculture.

Your Committee intends that the Department of Education need not satisfy the thirty percent goal established by this measure during any year prior to 2030. However, your Committee hopes that the Department of Education will annually increase the percentage of locally sourced foods served in public schools, which will reassure this Committee and the public that, by the year 2030, thirty per cent of the food served in public schools will consist of locally sourced products.

Your Committee has amended this measure by:

- (1) Specifying that the percentages shall be calculated based upon the total cost of the food;
- (2) Changing the effective date to July 1, 2021; 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. 767, 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. 767, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1597 Ways and Means on H.B. No. 775

The purpose and intent of this measure is to rename the Kahului Airport Access Road as the Mayor Elmer F. Cravalho Way.

Your Committee received written comments in support of this measure from the Department of Transportation and six individuals.

Your Committee finds that renaming Kahului Airport Access Road after former Maui County Mayor Elmer F. Cravalho is an appropriate way to honor and remember Mayor Cravalho's contributions to Maui and 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 H.B. No. 775, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 775, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro).

SCRep. 1598 Ways and Means on H.B. No. 869

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Luana Kai A Life Plan Community, a Hawaii not-for-profit corporation, with developing and operating a continuing care retirement community.

Your Committee received written comments in support of this measure from Luana Kai A Life Plan Community and one individual.

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 and one individual.

Your Committee finds that the special purpose revenue bonds authorized by this measure will help Luana Kai A Life Plan Community to provide continuing care retirement housing options to more of the State's underserved seniors.

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 H.B. No. 869, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 869, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1599 (Majority) Ways and Means on H.B. No. 902

The purpose and intent of this measure is to facilitate the development of affordable housing by the Hawaii Housing Finance and Development Corporation.

- (1) Exempts lands set aside by the Governor to the Hawaii Housing Finance and Development Corporation, and lands leased to the Hawaii Housing Finance and Development Corporation by any state department or agency, from classification as public lands:
- (2) Requires that the sale or gift of those lands be subject to prior legislative approval; and
- (3) Requires that lands leased or set aside to the Hawaii Housing Finance and Development Corporation and that are no longer needed for housing, finance, or development be returned to the state department or agency that leased or approved the setaside of the lands.

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; Department of Planning and Permitting of the City and County of Honolulu; Land Use Research Foundation of Hawaii; Hawaii Construction Alliance; Hawaii Laborers & Employers Cooperation and Education Trust Fund; Mutual Housing Association of Hawaii; and three individuals.

Your Committee received written comments in opposition to this measure from the Office of Hawaiian Affairs, Aina Momona, Hawaii Alliance for Progressive Action, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Ilioulaokalani Coalition, Ka Lahui Hawaii Political Action Committee, Kupuna for the Moopuna, Native Hawaiian Legal Corporation, and more than one hundred individuals.

Your Committee finds that this measure will help to facilitate the development of affordable housing on state lands by streamlining the process for approving that development on lands under the control of the Hawaii Housing Finance and Development Corporation.

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 H.B. No. 902, 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. 902, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 1600 Ways and Means on H.B. No. 921

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (7), which consists of the faculty of the University of Hawaii and the community college system, along with their excluded counterparts.

Your Committee received written comments in support of this measure from Department of Budget and Finance, University of Hawaii, and University of Hawaii Professional Assembly.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (7) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative 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 H.B. No. 921, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 921, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1601 Ways and Means on H.B. No. 961

The purpose and intent of this measure is to streamline the professional licensing process for active duty military spouses who hold licenses in other jurisdictions and to make military dependents exempt from residency requirements for state employment.

Your Committee received written comments in support of this measure from the Department of Labor and Industrial Relations, Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, Department of Human Resources Development, State of Hawaii Department of Defense, Chamber of Commerce Hawaii, and six individuals.

Your Committee received written comments on this measure from one individual.

Your Committee finds that this measure will create opportunities for military families to seek employment, while adding to the State's pool of qualified and experienced candidates for employment.

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 H.B. No. 961, 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. 961, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1602 Ways and Means on H.B. No. 1023

The purpose and intent of this measure is to establish and require that all nonresidents over fifteen years of age, except military members and dependents, who fish for, take, or catch marine life in the State for noncommercial or recreational purposes obtain a nonresident recreational marine fishing license.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Malama Pupukea-Waimea, Kuaaina Ulu Auamo, Hawaii Reef and Ocean Coalition, Clean the Pacific, and three individuals.

Your Committee finds that the licensing system established by this measure will help fund marine fishery management in the State and educate nonresidents on Hawaii's fishing regulations.

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 H.B. No. 1023, 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. 1023, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1603 Ways and Means on H.B. No. 1142

The purpose and intent of this measure is to provide funding for the electric vehicle charging system rebate program.

More specifically, this measure:

- Decreases the allocations of revenues generated by the environmental response, energy, and food security tax on each barrel of
 petroleum product that shall be deposited into the energy security special fund and energy systems development special fund;
- (2) Requires that 3 cents of the tax on each barrel of petroleum product be deposited into the public utilities commission special fund for the electric vehicle charging system rebate program; and
- (3) Establishes an electric vehicle charging system subaccount within the public utilities commission special fund, to be expended by the Public Utilities Commission to fund the electric vehicle charging system rebate program.

Your Committee received written comments in support of this measure from Aloha Charge, Big Island Electric Vehicle Association, Blue Planet Foundation, Climate Protectors Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Faith Action Environmental Justice Task Force, Hawaii Electric Vehicle Association, Hawaiian Electric Company, Kauai Climate Action Coalition, KauaiEV, Think BIG, Ulupono Initiative, and numerous 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, Hawaii State Energy Office, Public Utilities Commission, Alliance for Automotive Innovation, Hawaii Energy, Maui Chamber of Commerce, and Tax Foundation of Hawaii.

Your Committee finds that providing a dedicated source of funding for the electric vehicle charging system rebate program will help to improve the State's electric vehicle charging infrastructure, increase electric vehicle adoption, and reduce greenhouse gas emissions.

Your Committee has amended this measure by:

- Clarifying that an allocation of the revenues generated by the environmental response, energy, and food security tax shall be
 directly deposited into the electric vehicle charging system subaccount of the public utilities commission special fund; 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. 1142, 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. 1142, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 1604 (Majority) Ways and Means on H.B. No. 1174

The purpose and intent of this measure is to amend state income tax credits.

- (1) Amends the motion picture, digital media, and film production income tax credit by:
 - (A) Requiring the Department of Business, Economic Development, and Tourism to publish on its website the names of the qualified productions and the amount of the tax credits certified per qualified production per filing year;

- (B) Allowing excess tax credit amounts to be carried over and applied to a taxpayer's income tax liability in subsequent taxable years;
- (C) Repealing the requirement that a taxpayer provide evidence when making any claim for products or services acquired or rendered outside of this State that reasonable efforts were unsuccessful to secure and use comparable products or services within this State;
- (D) Extending the repeal date of the tax credit from January 1, 2026, to January 1, 2033; and
- (E) Extending the date by which a taxpayer may claim excess tax credits from December 31, 2025, to December 31, 2026;
 and
- (2) Amending the renewable energy technologies income tax credit by:
 - (A) Reducing the cap amounts of the tax credit for renewable energy systems installed and placed in service in the State; and
 - (B) Retaining the current cap amount for community-based renewable energy projects on commercial property.

Your Committee received written comments in support of this measure from Tritium3 and two individuals.

Your Committee received written comments in opposition to this measure from the Honolulu Film Office; 350Hawaii; Blue Planet Foundation; Climate Protectors Hawaii; Environmental Caucus of the Democratic Party of Hawaii; Hawaii Solar Energy Association; Inter-Island Solar Supply; Kauai Climate Action Coalition; KauaiEV; Motion Picture Association, Inc.; Our Revolution Hawaii; ProVision Solar; Sierra Club of Hawaii; Tesla; and numerous individuals.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Taxation; Hawaii Green Infrastructure Authority; Hawaii State Energy Office; Hawaii Energy; Hawaiian Electric Company; Island Film Group; Kauai Island Utility Cooperative; Kauai Women's Caucus; Tax Foundation of Hawaii; Ulupono Initiative; and three individuals.

Your Committee finds that the motion picture, digital media, and film production income tax credit, codified as section 235-17, Hawaii Revised Statutes, is a competitive production tax credit program that has attracted significant annual investment in the State's economy. Your Committee also finds that this measure would amend the renewable energy technologies income tax credit by reducing the applicable cap amounts allowed to qualified taxpayers by fifty percent. Further, your Committee notes the serious economic challenges faced by the State due to the ongoing coronavirus disease 2019 pandemic.

Your Committee has amended this measure by:

- (1) Changing the motion picture, digital media, and film production income tax credit from a refundable tax credit to a nonrefundable tax credit;
- (2) Restoring the requirement that a taxpayer provide evidence, when making any claim under the motion picture, digital media, and film production income tax credit for products or services acquired or rendered outside of this State, that reasonable efforts were unsuccessful to secure and use comparable products or services within this State;
- (3) Extending to December 31, 2032, the date by which a taxpayer may claim excess motion picture, digital media, and film production income tax credits;
- (4) Clarifying that the amendments to the renewable energy technologies income tax credit shall apply to renewable energy technology systems installed and placed in service after December 31, 2021; 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 H.B. No. 1174, 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. 1174, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Taniguchi). Noes, 1 (Fevella). Excused, none.

SCRep. 1605 Ways and Means on H.B. No. 1280

The purpose and intent of this measure is to transfer operational authority over the Makai Research Pier to the Natural Energy Laboratory of Hawaii.

More specifically, this measure:

- (1) Transfers the Makai Research Pier from the University of Hawaii to the Natural Energy Laboratory of Hawaii Authority; and
- (2) Authorizes the Director of Finance to issue general obligation bonds for the Natural Energy Laboratory of Hawaii Authority to repair and upgrade the Makai Research Pier.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, University of Hawaii, Makai Ocean Engineering, and Natural Energy Laboratory of Hawaii Authority.

Your Committee finds that this measure will allow for the continued use of the Makai Research Pier for valuable ocean research activities.

Your Committee has amended this measure by making a technical nonsubstantive amendment 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 H.B. No. 1280, 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. 1280, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1606 Ways and Means on H.B. No. 1291

The purpose and intent of this measure is to empower students with disabilities to continue their education beyond high school.

Specifically, this measure authorizes the award of scholarships under the Hawaii State Scholars Program to applicants who:

- (1) Graduated from a public high school in the State with a cumulative grade point average of 3.0; and
- (2) Qualified for and received special education services for three or more years during enrollment in grades seven through twelve.

Your Committee received written comments in support of this measure from the University of Hawaii, Special Education Advisory Council, Speducator Project, and twelve individuals.

Your Committee finds that students with disabilities constitute approximately ten percent of the public school population. Your Committee further finds that offering opportunities to these students to secure scholarships under the Hawaii State Scholars Program will provide both an incentive and a lifeline for students in financial need.

Your Committee has amended this measure by amending the eligibility requirements to include applicants who:

- (1) Have received a diploma from a public high school in the State with a cumulative grade point average of 3.0; and
- (2) Provide evidence that the student qualified for and received special education services for two or more years during enrollment in grades nine through twelve.

As affirmed by the record of votes of the members 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. 1291, 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. 1291, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1607 Ways and Means on H.B. No. 1352

The purpose and intent of this measure is to require the Office of Planning to submit to the Legislature a report on the lands within the State that are leased to the federal government or under federal government control.

More specifically, this measure requires the Office of Planning to submit to the Legislature a report containing:

- (1) An inventory of the lands within the State that are leased to, or under the control of, the federal government;
- (2) The known contaminants or environmental hazards discovered on, or associated with, the inventoried lands;
- (3) Any necessary remediation and restoration efforts for the inventoried lands;
- (4) Possible alternative uses of the inventoried lands; and
- (5) The Office of Planning's findings and recommendations.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Office of Planning, Environmental Caucus of the Democratic Party of Hawaii, Hawaii Reef and Ocean Coalition, Sierra Club of Hawaii, and numerous individuals.

Your Committee finds that proactively addressing the remediation, restoration, and potential alternative uses of lands that may eventually be returned to the State will inform the State about the conditions of those lands.

Your Committee has amended this measure by:

- (1) Clarifying that the Office of Planning is required to seek input from all executive branch departments and agencies and the Office of Hawaiian Affairs on remediation and restoration needs and proposed alternative uses for lands within the State that are leased to the federal government or under federal government control;
- (2) Clarifying that the Department of Land and Natural Resources and Department of Health are required to submit to the Office of Planning, no later than the dates to be determined by the Office of Planning, reports containing certain information that the Office of Planning is required to include in its report to the Legislature; 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. 1352, 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. 1352, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1608 (Joint) Judiciary and Ways and Means on H.B. No. 334

The purpose and intent of this measure is to:

- (1) Establish a state drug and alcohol toxicology testing laboratory special fund, to be administered by the Department of Health;
- (2) Deposit into the special fund fines imposed on offenders convicted of certain offenses involving operation of a vehicle under the influence of an intoxicant; and
- (3) Require expenditure reports to the Legislature.

Your Committees received testimony in support of this measure from the Department of Health, Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui; Office of the Prosecuting Attorney of the County of Kaua'i, Honolulu Police Department, Hawai'i Police Department, Maui Police Department, Hawai'i Chapter of Mothers Against Drunk Driving, and Hawai'i Strategic Highway Safety Plan. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that highway safety in Hawai'i is compromised by intoxicated drivers who continue to jeopardize the safety of all road users. Although the police continue their efforts to make the roads safer by arresting those individuals suspected of driving while impaired, prosecuting these cases can be hampered when test results are not available in time for the respective hearings and also by expensive court costs. Your Committees further find that presently, the testing of blood and urine samples obtained for the purpose of prosecuting cases involving the operation of a motor vehicle under the influence of an intoxicant is largely performed by private out-of-state laboratories, which takes a considerable amount of time to complete, and can lead to test results not being timely provided for trial resulting in a case dismissal. This measure establishes a special fund to sustain a drug and alcohol laboratory in the State.

Your Committees have amended this measure by:

- (1) Changing its effective date to May 6, 2137; 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 H.B. No. 334, 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. 334, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7; Ayes with Reservations (Kim). Noes, none. Excused, none. Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1609 (Joint) Judiciary and Ways and Means on H.B. No. 601

The purpose and intent of this measure is to amend the statewide traffic code to allow for the county chiefs of police to designate county employees to issue citations for traffic violations.

Your Committees received testimony in support of this measure from the Disability and Communication Access Board, County of Kaua'i, National Tropical Botanical Garden, and one individual. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that a shortage of police officers has been reported in every county of the State. Your Committees further find that because the Highway Division, unlike the Airport and Highway Divisions of the Department of Transportation, has no enforcement branch, it is forced to rely on county police departments to enforce traffic and safety violations. For this reason, enforcement of special no stopping, standing, or parking zones throughout the State is very limited. To address this critical shortage of personnel capable of enforcing these provisions, this measure will provide additional persons with the authority to issue traffic citations, thereby improving traffic safety in the State.

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. 601, H.D. 2, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 601, H.D. 2, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Acasio, Kim). Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 2 (Inouye, Moriwaki).

SCRep. 1610 (Joint) Judiciary and Ways and Means on H.B. No. 1009

The purpose and intent of this measure is to:

- (1) Amend the additional fines and costs for destroying or harvesting trees or tree products, including koa, on state forest reserves
- (2) Establish penalties for any person who violates vehicular parking or traffic movement rules adopted by the Department of Land and Natural Resources under forest reserves, water development, and zoning laws;
- (3) Authorize the State to pursue civil legal action and criminal action against a person violating laws and rules pertaining to forest reserves, water development, and zoning;
- (4) Establish criminal penalties for violations of all forest reserves laws or rules; and

(5) Repeal the general penalty provision for violations of certain forestry and wildlife, recreation areas, and fire protection laws

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committees find that the current value of koa and other forest products, such as Hawaiian sandalwood, far exceeds the current dollar amount of the administrative fine of up to \$10,000 per koa tree and \$2,000 for all other tree or plants destroyed or harvested on state lands. Your Committees further find that the costs associated with enforcement, as well as with restoration or replacement of the habitat and damages to public land and natural resources are not balanced by the fines and other enforcement options currently available to the Department of Land and Natural Resources. This measure not only streamlines offenses and penalties within statutes regarding forest reserves, but also allows the Department of Land and Natural Resources to more consistently and effectively enforce administrative rules and protect, preserve, and enhance the State's natural resources.

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 H.B. No. 1009, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1009, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (English, Moriwaki).

SCRep. 1611 (Joint) Judiciary and Ways and Means on H.B. No. 1020

The purpose and intent of this measure is to:

- (1) Authorize the Board of Land and Natural Resources (BLNR) to temporarily adopt, amend, and repeal certain natural resource rules by formal action at a public meeting if BLNR finds that such adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in response to rapidly changing resource conditions;
- (2) Require legislative and BLNR approval prior to the renewed adoption, amendment, and repeal of certain natural resource rule by formal action at a public meeting; and
- (3) Require the Department of Land and Natural Resources to report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023 on actions and findings regarding the authority created by this measure.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Kuaʻāina Ulu 'Auamo, and Moana Ohana. Your Committees received comments on this measure from Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.

Your Committees find that the Department of Land and Natural Resources is responsible for managing and administering the aquatic and terrestrial wildlife resources of the State. These natural resources are impacted by a variety of environmental and anthropogenic factors, some of which may change rapidly and frequently, and to effectively manage these natural resources, the Department needs the flexibility to quickly and efficiently implement temporary adaptive management measures that are based on the best available scientific information. Your Committees further find that although the administrative rule-making process prescribed by chapter 91, Hawaii Revised Statutes, serves the important function of providing opportunity for public review and input, it is not designed for implementation of adaptive management measures in response to rapidly changing resource conditions. This measure will enable the Department of Land and Natural Resources to quickly implement certain temporary adaptive management measures, while also providing opportunity for public review and input.

Your Committees have amended this measure by inserting an effective date of October 1, 2021.

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. 1020, 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. 1020, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

SCRep. 1612 (Joint) Judiciary and Ways and Means on H.B. No. 72

The purpose and intent of this measure is to:

- (1) Establish a framework for the regulation of electric foot scooters by the State and counties;
- (2) Amend definitions of "moped" to exclude electric foot scooters; and
- (3) Retain personal injury protection benefits for any individual sustaining injuries while using or operating an electric foot

Your Committees received testimony in support of this measure from the Department of Transportation, Hawai'i State Energy Office, Honolulu Police Department, Spin, Helbiz, and one individual. Your Committees received comments on this measure from one individual.

Your Committees find that shared micromobility vehicles, including bicycles, e-bikes, and electric foot scooters, are more frequently becoming part of multimodal transportation systems. Your Committees further find that although electric foot scooters are

becoming increasingly common, they are not adequately regulated under existing law. Your Committees additionally find that electric foot scooters are vehicles but are not bicycles, and that applying bicycle regulations to electric foot scooters is not optimal. 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 have amended this measure by:

- (1) Clarifying that foot-powered scooters with no motors are not included within the definition of "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 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. 72, 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. 72, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.
Judiciary: Ayes, 7. Noes, none. Excused, none.
Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1613 (Joint/Majority) Judiciary and Ways and Means on H.B. No. 477

The purpose and intent of this measure is to:

- (1) Authorize the Department of Health to allow a licensed dispensary to purchase up to three thousand grams of medical cannabis or manufactured cannabis products from another licensed dispensary to ensure ongoing qualifying patient access;
- (2) Increase the allowable number of production centers and retail dispensing locations per dispensary license;
- (3) Place certain limits on where qualifying patients can obtain medical cannabis or manufactured cannabis products after December 31, 2021;
- (4) Authorize the Department of Health to set fee structures for the submission of applications for each additional production center and retail dispensing location and for dispensary-to-dispensary sales;
- (5) Permit inspections of registered grow sites by the Department of Health or law enforcement to verify compliance with cannabis plant limits for cultivation by qualifying patients; and
- (6) Limit dispensary-to-dispensary sales to those located on the same island, as long as federal law prohibits the transportation of medical cannabis over a body of water.

Your Committees received testimony in support of this measure from Maui Grown Therapies; Aloha Green Holdings, Inc.; Big Island Grown Dispensaries; Hawai'i Cannabis Industry Association; Green Aloha; Hawaiian Ethos; Forian BioTrack; and two individuals. Your Committees received testimony in opposition to this measure from Complementary and Alternative Medicine on Oahu, Patients Without Time, Cannabis Society of Hawai'i, Hawai'i Cannabis Union, and twenty-seven individuals. Your Committees received comments on this measure from the Department of Health, Akamai Cannabis Clinic, and two individuals.

Your Committees find that as the State's medical cannabis dispensary system continues to develop, clarifying amendments are necessary to ensure smooth administration of the medical cannabis dispensary law and resolve issues that have arisen under existing law. This measure will enhance the State's medical cannabis dispensary program by strengthening patient access, improving product controls and safety, and refining the administration of the program.

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 H.B. No. 477, 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. 477, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 6. Noes, 1 (Acasio). Excused, none. Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1614 Judiciary on H.B. No. 381

The purpose and intent of this measure is to:

- (1) Codify the definition of "assistance animal" in the administrative rules;
- (2) Clarify the type of verification an individual may provide to substantiate a reasonable accommodation request for a specific assistance animal; and
- (3) Specify that possession of a vest or other distinguishing animal garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute valid verification of a disability-related need for an assistance animal.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawai'i Association of REALTORS, Associa, and one individual. Your Committee received comments on this measure from the Disability and Communication Access Board.

Your Committee finds that under the federal and state fair housing laws, landlords may allow "assistance animals" in rental properties that otherwise do not allow pets. For landlords seeking to follow the fair housing laws, this can create problems discerning between a legitimate request from a person with a disability and those from persons who simply wish to keep a pet in their rental unit. This measure provides clarification that assistance animals are animals that are needed to perform disability-related work, services, or tasks for the benefit of a person with a disability or provide emotional support that alleviates one or more identified symptoms or effects of a person's disability.

Your Committee has amended this measure by:

- Removing language specifying the types of verification that a person engaged in a real estate transaction may request if an assistance animal does not readily appear to qualify as a service animal; 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. 381, 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. 381, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

SCRep. 1615 (Joint) Judiciary and Ways and Means on H.B. No. 929

The purpose and intent of this measure is to clarify benefits to alternate payees, advisory review determinations of Hawaii domestic relations orders, and the priority of multiple orders.

Your Committees received testimony in support of this measure from the Board of Trustees of the Employees Retirement System.

Your Committees find that on July 1, 2020, the Employees' Retirement System (ERS) began processing Hawaii domestic relations orders to allow the System to make direct payments to alternate payees. Your Committees further find 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 information that a member is entitled to receive 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 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. 929, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 9. Noes, none. Excused, 2 (English, Moriwaki).

SCRep. 1616 Judiciary on H.B. No. 1253

The purpose and intent of this measure is to:

- (1) Prohibit employers, with certain exemptions, from requiring employees and prospective employees to download to their personal communication device, a mobile application that enables the employee's location to be tracked or the employee's personal information to be revealed, as a condition of employment or continued employment;
- (2) Prohibit employers from terminating, discharging, or otherwise discriminating against an employee for refusing to download or refusing to consent to download the mobile application to the employee's personal communication device; or opposing any forbidden practice or filing a complaint, testifying, or assisting in any proceeding concerning an unlawful practice;
- (3) Allow a person who alleges a violation to bring a civil action for injunctive relief, actual damages, or both; and
- (4) Set fines.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations and one individual. Your Committee received testimony in opposition to this measure from the Maui Chamber of Commerce, Retail Merchants of Hawai'i, and Chamber of Commerce Hawai'i. Your Committee received comments on this measure from the Society for Human Resource Management.

Your Committee finds that in response to the coronavirus disease 2019 (COVID-19) pandemic, applications for mobile phones have been promoted as a means to track the whereabouts of individuals who may have been exposed to someone testing positive for the virus. Your Committee further finds that although tracking individuals who may have been exposed to COVID-19 can be a very effective tool in fighting the spread of the virus, the capabilities of these applications prompt privacy concerns and anxiety over potential misuse of the location information. Your Committee additionally finds that while mobile phone users may voluntarily agree to be tracked, the privacy concerns dictate against making the downloading of mobile applications to an employee's personal mobile phones a condition of employment.

Your Committee notes that further consideration may be necessary regarding whether employee consent to downloading a mobile application to the employee's personal device should be given in writing and whether the employee should be able to rescind consent, as well as whether a requirement is needed that the employer have a written policy on how the information that is tracked or saved by the application will be used by the employer and how the information will be protected from unauthorized disclosure or hacking.

Consideration may also be necessary regarding whether the Attorney General should be authorized to bring a lawsuit on its initiative to enforce the requirements of this measure, including through a class action if necessary.

Consideration may also be merited on the question of how information regarding the requirements of this measure should best be communicated to employers and other members of the public, and whether the Department of Labor and Industrial Relations should post that information on its website.

Your Committee further notes concern about whether the fine that may be imposed on an employer pursuant to this measure should be deposited into the general fund.

Your Committee finds that these considerations and concerns may merit further discussion as this measure proceeds through the legislative process or in future legislative sessions.

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. 1253, H.D. 3, 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 (Lee).

SCRep. 1617 Labor, Culture and the Arts on Gov. Msg. No. 714

Recommending that the Senate advise and consent to the nomination of the following:

HOISTING MACHINE OPERATORS ADVISORY BOARD

G.M. No. 714 JACHRYSTAL FIERO, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Jachrystal Fiero for service on the Hoisting Machine Operators Advisory Board (Board).

Your Committee received testimony in support of the nomination for the appointment of Mr. Fiero from five individuals.

Your Committee finds that the Board was created in 1998 pursuant to section 396-19, Hawaii Revised Statutes, to adopt administrative rules for the certification of hoisting machine operators in Hawaii. The Board is charged with the responsibility to establish minimum standards to assure that construction tower and crane operators across the islands operate hoisting machines in a uniformly safe and lawful manner.

Upon review of the testimony and Mr. Fiero's qualifications, your Committee finds that Mr. Fiero's thirty years of professional experience and background in the crane and rigging industry qualify him to be nominated for appointment to the Board. Mr. Fiero has been a certified crane operator for twenty-five years and holds a commercial driver's license. Mr. Fiero is currently the owner and operator of Haku Crane & Rigging, LLC, a company he founded in 1997, that offers operated and bare rental boom truck service and rough terrain, hydraulic truck crane, heavy duty flatbed and forklift service. As the owner and operator, Mr. Fiero's duties include overseeing project execution, phase progress, workmanship and team performance to achieve timely completion of service work; assessing, optimizing, and elevating operations to meet current and expected demands; and enhancing operational performance by developing effective business strategies, systems, and procedures. Prior to establishing Haku Crane & Rigging, LLC, Mr. Fiero was employed as a mobile crane operator with Tow Board Services & Management, Inc. from 1990 to 1996. As a mobile crane operator, Mr. Fiero's duties included the operation of various service cranes, barges, hammers, workboats, crane mounts and external hire service cranes; streamlining of operational efficiencies for the safe operation of mobile hydraulic cranes and barge cranes; and inspections of boom trucks and cranes to reduce hazards and risks.

Your Committee believes that Jachrystal Fiero's extensive knowledge and experience in the crane and rigging industry will be valuable assets to the Board.

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, 3. Noes, none. Excused, 2 (Chang, Ihara).

SCRep. 1618 Labor, Culture and the Arts on Gov. Msg. Nos. 592 and 593

Recommending that the Senate advise and consent to the nominations of the following:

HOISTING MACHINE OPERATORS ADVISORY BOARD

G.M. No. 592 DONALD BAILEY, for a term to expire 06-30-2025; and

G.M. No. 593 THOMAS JACOBS, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Donald "Doc" Bailey and Thomas Jacobs for service on the Hoisting Machine Operators Advisory Board (Board).

DONALD "DOC" BAILEY

Your Committee received testimony in support of the nomination for the reappointment of Donald "Doc" Bailey from five individuals.

Upon review of the testimony and Mr. Bailey's qualifications, your Committee finds that Mr. Bailey has been serving as a member of the Board since 2018. Mr. Bailey currently serves as the President of Doc Bailey Cranes & Equipment of Hawaii, Inc. and the President and Chief Executive Officer of Doc Bailey Construction Equipment, Inc. which has offices in California, Nevada, and Guam. Mr. Bailey has over thirty-six years of experience in servicing and operating cranes, including thirty years of experience as a certified crane inspector and in crane maintenance with welding, fabrication, design, and repair. Your Committee notes that testimony attests to

Mr. Bailey's experience in the implementation of rules governing operation of cranes in California and Nevada with robust crane oversight programs, and that such experience is especially important to the Board now, as it begins to expand the oversight of construction crane operators in Hawaii pursuant to federal regulations.

Your Committee believes that Donald "Doc" Bailey's extensive expertise in crane maintenance and operation as well as his experience and knowledge in implementation of crane oversight programs will continue to be valuable assets to the Board.

THOMAS JACOBS

Your Committee received testimony in support of the nomination for the appointment of Thomas Jacobs from three individuals.

Upon review of the testimony and Mr. Jacobs' qualifications, your Committee finds that Mr. Jacobs' twenty-six years of professional experience and background in construction safety throughout all phases of construction and his extensive knowledge in working with cranes as part of his job qualify him to be nominated for appointment to the Board.

Your Committee notes that Mr. Jacobs has held numerous safety-related positions with numerous general contractors. He is currently the Environment, Safety, and Health Project Manager at Layton Construction Company, LLC. His previous positions include the Director of Safety and Health at Dorvin D Leis Co., Inc.; Project Health Safety and Environment Manager at Nordic PCL Construction, Inc.; and Senior Safety Administrator at Hawaiian Dredging Construction Company. Your Committee also notes that Mr. Jacobs holds various safety-related certificates, including but not limited to certificates as a Construction Health and Safety Technician, Occupational Health and Safety Technologist, and Medic First Aid/CPR Instructor. Mr. Jacobs has also conducted numerous safety trainings, including but not limited to, the Occupational Safety and Health Administration ten- and thirty-hour certification training, scaffolding safety, powered industrial truck safety, excavation and trenching safety, and aerial lift platform safety.

Your Committee believes that Thomas Jacobs' extensive knowledge and experience in construction safety throughout all phases of construction as well as his extensive knowledge in working with cranes will be valuable assets to the Board.

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 (Ihara).

SCRep. 1619 Labor, Culture and the Arts on Gov. Msg. Nos. 559 and 560

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN

G.M. No. 559 KEN KITAMURA, for a term to expire 06-30-2021; and

G.M. No. 560 KEN KITAMURA, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Ken Kitamura for service on the Board of Trustees of the Deferred Compensation Plan (Board).

Your Committee received testimony in support of the nomination for the appointment and reappointment of Mr. Kitamura from the Deferred Compensation Plan and Department of Human Resources Development.

Your Committee finds that Mr. Kitamura has been serving on the Board as an interim employee member since July 2020, and has also served as an ex-officio member from 2018 to 2019, as a designee of the Director of the Department of Budget and Finance. Your Committee notes that Mr. Kitamura has over three decades of experience within the state government serving in various positions. He has been serving as the Business Management Officer of the Department of Human Services, Fiscal Management Office since January 2014. From February 2018 to January 2019, he also served as the Deputy Director of the Department of Budget and Finance. Before that, Mr. Kitamura served as an Administrative Services Officer, Business Manager, and Program Budget Analyst of the Department of Business, Economic Development, and Tourism; Business Services Officer of the Office of the Lieutenant Governor; Legislative Aide in the Office of a Honolulu Councilmember; Special Projects Manager and Budget Supervisor of the Senate Ways and Means Committee; Associate Auditor of the Office of the Legislative Auditor; and Analyst of the Senate President's Office.

Your Committee further notes that Mr. Kitamura earned a Bachelor of Arts degree in Government from Chaminade University of Honolulu and a Master's degree in Public Administration from the University of Hawaii at Manoa.

Your Committee finds that Mr. Kitamura's education, extensive record in public service, deep understanding of government budgetary functions and fiscal management, and current and previous service on the Board as an employee member and ex-officio member will continue to be tremendous assets to the Board and the participants of the Deferred Compensation Plan.

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. 1620 Labor, Culture and the Arts on Gov. Msg. Nos. 669, 670, and 671

Recommending that the Senate advise and consent to the nominations of the following:

STATE FOUNDATION ON CULTURE AND THE ARTS COMMISSION

G.M. No. 669 RONALD MICHIOKA, for a term to expire 06-30-2025;

G.M. No. 670 SKYE CORREA, for a term to expire 06-30-2025; and

G.M. No. 671 NALANI BRUN, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Ronald Michioka, Skye Correa, and Nalani Brun, for service on the State Foundation on Culture and the Arts Commission (Commission).

RONALD MICHIOKA

Your Committee received testimony in support of the nomination for the reappointment of Ronald Michioka from the State Foundation on Culture and the Arts.

Upon review of the testimony and Mr. Michioka's qualifications, your Committee finds that Mr. Michioka holds a Bachelor of Fine Arts degree in sculpture from the University of Hawaii at Manoa, where he was a candidate for a Master of Fine Arts in sculpture. From 1979 through 1985, Mr. Michioka served as a Cataloguer and Curator for the Art in Public Places Program administered by the State Foundation on Culture and the Arts. He also served as a Visual Arts Consultant for many years, advising the foundation on purchase of art for the state art collection. Your Commission notes that in addition to his expertise and passion for the arts, Mr. Michioka has a successful legal career. He obtained his Juris Doctor degree from the University of California, Hastings College of the Law and is currently a partner at Chong, Nishimoto, Sia, Nakamura & Goya, L.L.L.P. During his legal career, Mr. Michioka has handled various matters involving artists and museums on issues such as breach of contracts and violation of copyright.

Your Committee finds that Mr. Michioka has been serving as a member of the Commission for the past four years and that his expertise and considerable experience as an artist, Cataloguer, Curator, Visual Arts Consultant, and lawyer will continue to be great assets to the Commission.

SKYE CORREA

Your Committee received testimony in support of the nomination for the appointment of Skye Correa from the State Foundation on Culture and the Arts.

Upon review of the testimony and Mr. Correa's qualifications, your Committee finds that Mr. Correa's expertise and experience in education, community outreach, exhibit design, and curatorial innovation qualify him to be nominated for appointment to the Commission. Your Committee notes that Mr. Correa currently serves as a Curator with the Smithsonian Asian Pacific American Center, Smithsonian Institution, which is a migratory museum established to enrich the American Story with the voices of Asian Pacific Americans by bringing history, art, and culture through innovative community-focused experiences. Your Committee notes that Mr. Correa obtained various degrees from the University of Hawaii at Manoa, including a Master's degree in Education Technology; Master's degree in Library and Information Science; and a Bachelor of Arts degree from the Kamakakūokalani Center for Hawaiian Studies, and is expected to graduate in 2022 as a Doctor of Philosophy (PhD) in Learning Design and Technology with focus on Cultural Education via Immersive Environments. Your Committee notes that Mr. Correa's previous professional experiences include positions such as Manager with the Papahānaumokuākea Marine National Monument, Office of Marine National Sanctuaries; Information Technology Specialist with the Edwin H. Mookini Library, University of Hawai'i at Hilo; and Exhibits Manager and Interim Facilities Manager with the 'Imiloa Astronomy Center of Hawaii, University of Hawai'i at Hilo.

Section 9-2(b), Hawaii Revised Statutes, requires the Commission to have as members, at least one resident from each of the counties of Hawaii, Kauai, and Maui. Mr. Correa will serve on the Commission as a resident of the County of Hawaii. Your Committee finds that Mr. Correa's solid background in Hawaiian history, information research, educational foundations, outreach technology pedagogy, and event and programmatic curation will be valuable assets to the Commission.

NALANI BRUN

Your Committee received testimony in support of the nomination for the reappointment of Nalani Brun from the State Foundation on Culture and the Arts.

Upon review of the testimony and Ms. Brun's qualifications, your Committee finds that Ms. Brun has over forty-five years of experience in the entertainment and visitor industry as well as over twenty-seven years of service as a government employee. Ms. Brun is currently the Director of the County of Kauai Office of Economic Development. Her previous positions with the County of Kauai include Economic Development Specialist for Tourism and Program Administrative Officer. Ms. Brun's professional focus is on recovery of culture, maintaining relationships with cultural organizations and organizing festivals and events. Ms. Brun is also a professional vocalist and dancer who has been performing hula and other dances and songs of the Pacific region in the visitor industry. Her prior experience also includes being a fitness instructor working primarily with Native Hawaiians.

Your Committee finds that Ms. Brun has been serving as a member of the Commission as a resident of the County of Kauai for the past four years, and that her knowledge and experience in the visitor industry, her passion for dance, music, and culture, as well as her commitment to public service will continue to be valuable assets to the Commission.

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 (Chang).

SCRep. 1621 Ways and Means on H.B. No. 95

The purpose and intent of this measure is to authorize the issuance of special number plates to commemorate the beauty of, and observe the importance of protecting, the State's natural resources.

More specifically, this measure:

- (1) Authorizes the Director of Finance of each county to issue special number plates for use on motor vehicles to commemorate the beauty of the State's natural resources and observe the importance of preserving those resources;
- (2) Requires the Chairperson of the Board of Land and Natural Resources to design the special number plates, based on certain guidelines;
- (3) Requires the Director of Finance of each county to charge a special number plate fee and fundraising fee, and authorizes the Director to charge an additional fundraising fee; and
- (4) Provides that the revenue generated by the fundraising fees shall be deposited into the Conservation and Resources Enforcement Special Fund.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Malama Pupukea-Waimea, and two individuals.

Your Committee finds that charging fees for the issuance of special number plates will provide an effective and appropriate source of dedicated funding for the Department of Land and Natural Resources Division of Conservation and Resources Enforcement.

Your Committee has amended this measure by changing the effective date to July 1, 2051, 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 H.B. No. 95, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 95, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1622 Ways and Means on H.B. No. 325

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (1), which consists of nonsupervisory employees in blue collar positions, along with their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance; University of Hawaii; Hawaii Health Systems Corporation; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (1) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

As affirmed by the record of votes of the members 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. 325, 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, none.

SCRep. 1623 Ways and Means on H.B. No. 326

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (10), which consists of institutional, health, and correctional workers, along with their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance; University of Hawaii; Hawaii Health Systems Corporation; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (10) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

As affirmed by the record of votes of the members 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. 326, 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, none.

SCRep. 1624 Ways and Means on H.B. No. 712

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (2), which consists of supervisory employees in blue collar positions, along with their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (2) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

As affirmed by the record of votes of the members 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. 712, 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, none.

SCRep. 1625 Ways and Means on H.B. No. 713

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (3), which consists of nonsupervisory employees in white collar positions, along with their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (3) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

As affirmed by the record of votes of the members 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. 713, 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, none.

SCRep. 1626 Ways and Means on H.B. No. 714

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (4), which consists of supervisory employees in white collar positions, along with their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (4) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

As affirmed by the record of votes of the members 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. 714, 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, none.

SCRep. 1627 Ways and Means on H.B. No. 715

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (6), which consists of educational officers and other personnel of the Department of Education under the same pay schedule, along with their excluded counterparts.

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 negotiations between the exclusive representative of collective bargaining unit (6) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

Your Committee has amended this measure by making a technical nonsubstantive amendment for the purpose of 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. 715, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 715, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1628 Ways and Means on H.B. No. 716

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (8), which consists of personnel of the University of Hawaii and the community college system other than faculty, along with their excluded counterparts.

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 negotiations between the exclusive representative of collective bargaining unit (8) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

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 H.B. No. 716, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 716, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1629 Ways and Means on H.B. No. 1127

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (14), which consists of state law enforcement officers along with their excluded counterparts.

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 negotiations between the exclusive representative of collective bargaining unit (14) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

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 H.B. No. 1127, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1127, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1630 Ways and Means on H.B. No. 1126

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (13), which consists of professional and scientific employees who cannot be included in any of the other bargaining units, along with their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (13) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

As affirmed by the record of votes of the members 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. 1126, 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, none.

SCRep. 1631 Ways and Means on H.B. No. 1125

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (9), which consists of registered professional nurses, along with their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (9) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process

will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

As affirmed by the record of votes of the members 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. 1125, 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, none.

SCRep. 1632 Ways and Means on H.B. No. 1043

The purpose and intent of this measure is to facilitate the administration of the transient accommodations tax.

More specifically, the measure:

- (1) Provides that any taxpayer who receives gross rental proceeds shall pay the tax;
- (2) Replaces certain references to "operator and plan manager" with "taxpayer" or "person";
- (3) Clarifies that a certificate of registration is required for persons advertising transient accommodations;
- (4) Eliminates the misdemeanor criminal penalty for failing to register and replaces it with a monetary fine structure;
- (5) Applies the personal liability provision under the general excise tax law to the transient accommodations tax; and
- (6) Repeals provisions establishing the office of the taxation district in which the taxes arose or the office of the first taxation district in Honolulu as the recipients of periodic returns.

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

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

Your Committee finds that the transient accommodations tax provides the State with necessary revenues. Your Committee further finds that statutory language requires clarification to ensure effective enforcement and administration of the tax.

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. 1043, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1043, H.D. 3, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1633 Ways and Means on H.B. No. 1297

The purpose and intent of this measure is to ensure the transparent accounting and expenditure of non-general funds.

Specifically, the measure:

- Requires each department to submit program measures, cost elements, and accounting reports for all non-general funds to the Legislature by October 1 of each year;
- (2) Specifies that the cigarette tax revenues shall be deposited to the credit of the cancer research special fund only until July 1, 2041, and that those moneys be used only for capital expenditures;
- (3) Provides that certain special funds be subject to deductions for central service expenses;
- (4) Statutorily establishes the cancer research center of Hawaii and establishes lines of reporting and other administrative provisions relating to the cancer research center of Hawaii;
- (5) Prohibits certain uses of the tuition and fees special fund and research and training revolving funds; and
- (6) Amends from semi-annually to annually the reporting requirement for the Hawaii cancer research special fund.

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, Department of Land and Natural Resources, Hawaii Tourism Authority, American Cancer Society Cancer Action Network, UH Cancer Center, and two individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance, Department of Taxation, Department of Defense, Department of Human Services, Department of Education, Tax Foundation of Hawaii, Hawaii Pacific Health, and Wilcox Medical Center.

Your Committee finds that section 36-27, Hawaii Revised Statutes, requires the Director of Finance to deduct five percent of all receipts of most special funds for the purpose of defraying the prorated estimate of central service expenses of government in relation to all special funds, unless exempted by that section. Your Committee further finds that eliminating this exemption for certain funds will help to address the State's budget shortfall due to the coronavirus disease 2019 pandemic.

Your Committee has amended this measure by:

- (1) Requiring that annual reports regarding non-general funds be submitted to the Legislature no later than November 1, instead of October 1, of each year;
- (2) Correcting the text of section 36-27(a), Hawaii Revised Statutes, to correspond to the printed version of the Hawaii Revised Statutes;
- (3) Changing the effective date from July 1, 2050, to July 1, 2021; 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 H.B. No. 1297, 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. 1297, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, none.

SCRep. 1634 (Joint) Ways and Means and Judiciary on H.B. No. 1102

The purpose and intent of this measure is to prohibit the release of balloons that have been inflated with a gas that is lighter than air.

Your Committees received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Reef and Ocean Coalition, Clean The Pacific, The Humane Society of the United States, Center for Biological Diversity, Surfrider Foundation, and five individuals.

Your Committees find that this measure will help to reduce the release of balloons filled with lighter-than-air gases, which often land in the ocean and are consumed by and cause harm to birds, turtles, fish, and other marine animals.

Your Committees have amended this measure by changing the effective date to January 1, 2023.

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 H.B. No. 1102, 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. 1102, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro). Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1635 (Joint/Majority) Ways and Means and Judiciary on H.B. No. 1059

The purpose and intent of this measure is to repeal obsolete or unnecessary statutory provisions relating to the transportation improvement special fund, Kewalo Basin use permits, and maintenance of the Department of Transportation's fire boat.

Prior to decision making on this measure, your Committees made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1:

- (1) Repeals sections 264-19, 266-2.3, and 266-22, Hawaii Revised Statutes;
- (2) Amends Act 1, section 18, Special Session Laws of Hawaii 2017, to grant voting rights to the members of the Board of Directors of the Honolulu Authority for Rapid Transportation who are appointed by the President of the Senate or the Speaker of the House of Representatives; and
- (3) Changes the effective date to January 1, 2050.

Your Committees received written comments in support of this measure from the Department of Transportation, Hawaii Building and Construction Trades Council, Hawaii Iron Workers Stabilization Fund, International Brotherhood of Electrical Workers Local Union 1186, Ironworkers Union Local 625, and two individuals.

Your Committees received written comments in opposition to this measure from the League of Women Voters of Hawaii.

Your Committees find that granting voting rights to the members of the Board of Directors of the Honolulu Authority for Rapid Transportation who are appointed by the President of the Senate or Speaker of the House of Representatives will enable the Board to operate more efficiently and effectively.

Your Committees have amended this measure by replacing its contents with the contents of the proposed draft of H.B. No. 1059, S.D. 1, which was circulated prior to your Committee's decision making on this 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 H.B. No. 1059, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1059, S.D. 1.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 9. Noes, none. Excused, 2 (English, Moriwaki). Judiciary: Ayes, 6. Noes, 1 (Kim). Excused, none.

SCRep. 1636 (Joint) Ways and Means and Judiciary on H.B. No. 1004

The purpose and intent of this measure is to facilitate the administration of the boiler and elevator safety law.

More specifically, the measure:

- (1) Authorizes the Director of Labor and Industrial Relations to prohibit the operation of pressure retaining items, amusement rides, and elevators and kindred equipment if inspection fees or fines are not timely paid;
- (2) Replaces the statutory boiler and elevator fee schedule and with a requirement that the Director of Labor and Industrial Relations prescribe the fees; and
- (3) Replaces certain terms throughout chapter 397, Hawaii Revised Statutes.

Your Committees received written comments in support of this measure from the Department of Labor and Industrial Relations.

Your Committees recognize that the Department of Labor and Industrial Relations lacks sufficient resources to timely perform inspections of elevators and other equipment subject to the boiler and elevator safety law. Your Committees also recognize that the fee schedules under the law are outdated and unnecessary. Your Committees believe that by authorizing the Department to prohibit the operation of pressure retaining items, amusement rides, and elevators and other equipment if fees and fines are not timely paid, and by authorizing the Director of Labor and Industrial Relations to establish fees by the adoption of administrative rules, the Department will be able to better administer the boiler and elevator safety law.

Your Committees have amended this measure by:

- Authorizing, rather than requiring, the Department of Labor and Industrial Relations to rescind certain restrictive orders under certain circumstances;
- (2) Clarifying that a restrictive order may be rescinded when an owner, user, or contractor either has complied with the order by taking corrective action or has paid all fees and fines imposed by the Department;
- (3) Specifying that the Director of Labor and Industrial Relations shall prescribe fees by rules adopted pursuant to chapter 91, Hawaii Revised Statutes; and
- (4) Amending section 397-10, Hawaii Revised Statutes, to conform with other provisions of this 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 H.B. No. 1004, 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. 1004, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro).

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1637 (Joint) Ways and Means and Judiciary on H.B. No. 954

The purpose and intent of this measure is to convert certain positions within the Hawaii Emergency Management Agency from civil service status to exempt status.

More specifically, this measure extends exempt status to the executive officer, public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel.

Your Committees received written comments in support of this measure from the Hawaii Emergency Management Agency and Hawaii State Energy Office.

Your Committees received written comments in opposition to this measure from one individual.

Your Committees find that exempting key positions from civil service status will help the Hawaii Emergency Management Agency create a more responsive, flexible, and aggressive hiring system to recruit and retain experienced emergency management professionals. Your Committees note that the exempt status extended to certain Hawaii Emergency Management Agency personnel in this measure is normally reserved for management positions.

Your Committees have amended this measure by 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 H.B. No. 954, 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. 954, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro).

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1638 (Joint/Majority) Ways and Means and Judiciary on H.B. No. 930

The purpose and intent of this measure is to ensure that the Employees' Retirement System is not disadvantaged as a competitive investor

More specifically, this measure exempts the Employees' Retirement System from disclosure of certain types of alternative investment fund information pursuant to the Uniform Information Practices Act.

Your Committees received written comments in support of this measure from the Employees' Retirement System.

Your Committees received written comments in opposition to this measure from UNITE HERE Local 5 and one individual.

Your Committees received written comments on this measure from the Office of Information Practices.

Your Committees find that requiring the Employees' Retirement System to disclose certain investment intelligence would put the Employees' Retirement System at a disadvantage as a competitive investor because competing investors would be able to acquire and use that information at no cost. Your Committees further find that the Employees' Retirement System currently publishes non-confidential aggregate performance data for the entire system investment portfolio in its "Hawaii ERS Quarterly Performance Report", as well as monthly statements of investments.

Your Committees have amended this measure by 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 H.B. No. 930, 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. 930, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro). Judiciary: Ayes, 6. Noes, 1 (Acasio). Excused, none.

SCRep. 1639 (Joint) Ways and Means and Judiciary on H.B. No. 817

The purpose and intent of this measure is to encourage the production and use of local agricultural products.

Specifically, this measure:

- (1) Requires and establishes benchmarks for each state department to ensure that a certain percentage of the produce purchased by that department consists of fresh local agricultural products or local value-added, processed, agricultural, or food products; and
- (2) Requires each department to report to the Legislature on that department's progress toward meeting these benchmarks.

Your Committees received written comments in support of this measure from the Department of Education, Ulupono Initiative, Hawaii Farm Bureau, Blue Zones Project, Kamehameha Schools, Hawaii Farm to School Hui, Hawaii Public Health Institute, Obesity Prevention Task Force, Land Use Research Foundation of Hawaii, Hawaii Cattlemen's Council, and one individual.

Your Committees find that this measure will help to ensure that state moneys used for the procurement of produce remain within the State and directly support the local businesses that generate local produce and food products.

Your Committees have amended this measure by changing the effective date to upon the measure's approval.

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 H.B. No. 817, 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. 817, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro). Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1640 (Joint) Ways and Means and Judiciary on H.B. No. 573

The purpose and intent of this measure is to strengthen the State's emergency response and recovery protocols.

Specifically, the measure:

- (1) Establishes the Joint Legislative Emergency Response and Recovery Committee to make recommendations to the Legislature on matters relating to the emergency response of the State;
- (2) Allows the Joint Legislative Emergency Response and Recovery Committee, under certain specified conditions, to convene when the Legislature is not in session; and
- (3) Authorizes the Legislature to convene in a special session, in accordance with the State Constitution, to act on the recommendations of the Joint Legislative Emergency Response and Recovery Committee.

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 Human Services.

Your Committees find that the establishment of a joint legislative committee having information-gathering, fact-finding, and advisory functions with respect to the State's emergency response and allocation of federal relief funding will facilitate a more coordinated and timely response to future emergencies, while also providing flexibility and discretion to the joint legislative committee and Legislature in deciding to convene.

Your Committees have amended this measure by:

- (1) Specifying that the Joint Legislative Emergency Response and Recovery Committee may convene when the Legislature is not in session if the amount of emergency funds provided to the State by the financial relief package passed by the United States Congress exceeds \$25,000,000; 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 H.B. No. 573, 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. 573, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Shimabukuro). Judiciary: Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 1641 (Joint/Majority) Ways and Means and Judiciary on H.B. No. 502

The purpose and intent of this measure is to authorize the counties to adopt ordinances that allow up to one dwelling per quarter acre in rural districts.

Your Committees received written comments in support of this measure from the Hawaii Association of REALTORS.

Your Committees received written comments in opposition to this measure from two individuals.

Your Committees received written comments on this measure from the Hawaii Department of Agriculture.

Your Committees find that this measure will help address the State's critical housing shortage by providing counties with the flexibility to permit denser zoning in rural areas.

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 edits 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 H.B. No. 502, 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. 502, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 9; Ayes with Reservations (Taniguchi). Noes, none. Excused, 2 (Moriwaki, Shimabukuro). Judiciary: Ayes, 6. Noes, 1 (Acasio). Excused, none.

SCRep. 1642 (Joint) Judiciary and Ways and Means on H.B. No. 465

The purpose and intent of this measure is to:

- (1) Require the representative of labor on the Hawaii Labor Relations Board (HLRB) to be a person whose name has been chosen by the exclusive representatives of the collective bargaining units through a process determined by a simple majority of exclusive representatives and submitted to the Governor for appointment with the advice and consent of the Senate;
- (2) Allow a simple majority of the exclusive representatives of the collective bargaining units who recommended the nominee to transmit the nominee's name directly to the Senate for confirmation if the Governor fails to do so within twenty days after their submission of the nominee's name to the Governor; and
- (3) Allow a simple majority of the exclusive representatives of the collective bargaining units to remove, via a written request to the Governor, the representative of labor from the HLRB during the member's term.

Your Committees received testimony in support of this measure from the Hawai'i State Teachers Association; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and United Public Workers, AFSCME Local 646, AFL-CIO. Your Committees received testimony in opposition to this measure from the Office of Collective Bargaining. Your Committees received comments on this measure from the Hawai'i Labor Relations Board.

Your Committees find that that the HLRB is a quasi-judicial board with jurisdiction over state public sector collective bargaining; state private sector collective bargaining; and cases pertaining to state occupational safety and health citations and whistleblower discrimination claims. The HLRB consists of three members — the Chair, who is the representative of the public, one member who is a representative of management, and another member who is a representative of labor. All three HLRB members are appointed to six-year terms by the Governor. Under existing law, the representative of management is appointed by the Governor, who must first consider the names submitted by each county. The representative of labor is appointed by the Governor from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives of the collective bargaining units. The Governor's selection for HLRB Chair is not limited to names submitted by other parties. This measure will require the Governor to appoint with the advice and consent of the Senate, the one individual chosen by the exclusive representatives of the collective bargaining units. This measure also gives the exclusive representatives of the collective bargaining units. This measure also gives the exclusive representatives of the collective bargaining units. This measure also gives the exclusive representatives of the collective bargaining units. The Governor, the HLRB member representing labor if they determine, by simple majority, that the HLRB member representing labor is not effective during the member's term.

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. 465, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Moriwaki).

SCRep. 1643 (Joint) Judiciary and Ways and Means on H.B. No. 1018

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources (DLNR) to adopt rules to establish a lay net permit for the use or possession of lay nets, including reasonable permit fees and provisions for revocation, suspension, and withholding of permits for noncompliance with lay net rules.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, The Nature Conservancy, Hawai'i Reef and Ocean Coalition, Clean the Pacific, Center for Biological Diversity, For the Fishes, and four individuals.

Your Committees find that despite detailed lay net rules implemented by DLNR, including lay net registration and identification requirements and restrictions on lay net dimensions, mesh size, soak time, time of day, frequency between sets, water depth, and location, the illegal and irresponsible use of lay nets continues with adverse impacts to both fishery resources and protected species. Your Committees further find that lay net violations are primarily fishery-related infractions that DLNR investigates. Your Committees additionally find that the establishment of a lay net permit system will allow DLNR to more effectively regulate the use of these devices and enforce those regulations against noncompliance. This measure will authorize DLNR to adopt rules to establish a lay net permit for the use or possession of lay nets, including reasonable permit fees and provisions for revocation, suspension, and withholding of permits for noncompliance with lay net rules.

Your Committees have 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 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. 1018, H.D. 2, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1018, H.D. 2, S.D. 1.

Signed by the Chairs on behalf of the Committees.
Judiciary: Ayes, 7. Noes, none. Excused, none.
Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1644 (Joint) Judiciary and Ways and Means on H.B. No. 722

The purpose and intent of this measure is to:

- (1) Establish a statewide coordinator and program overseen by the Department of the Attorney General to provide services and assistance to commercially sexually exploited children and victims of human trafficking;
- (2) Require the Attorney General to submit annual reports to the Legislature; and
- (3) Require the children's justice program to coordinate the investigation and case management of child human trafficking cases, including cases involving the commercial sexual exploitation of children.

Your Committees received testimony in support of this measure from the Judiciary, Department of Human Services, Department of the Attorney General, Department of Health, Office of Hawaiian Affairs, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawai'i, Honolulu Police Department, Parents And Children Together, Imua Alliance, and one individual. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find children, particularly foster, runaway, LGBTQ+, immigrant, and undocumented children and children suffering from mental illnesses and substance abuse issues, are vulnerable to sex trafficking and commercial sexual exploitation. Your Committees further find that victims are often lured into sex trafficking through emotional manipulation and control, force, fraud, or threats, and that sexually exploited children most often do not have the ability or resources to escape and start a new life. Your Committees additionally find that, although the Department of Human Services has received an increasing number of calls on its hotline for witnesses or victims of child sex trafficking, 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 have amended this measure by:

- (1) Inserting an effective date of May 6, 2137, 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 H.B. No. 722, 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. 722, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 9. Noes, none. Excused, 2 (English, Moriwaki).

SCRep. 1645 Judiciary on H.B. No. 282

The purpose and intent of this measure is to expand the circumstances where a minor may consent to no cost emergency shelter and related services to include cases where the provider is coordinating with child welfare services.

Your Committee received testimony in support of this measure from the Department of Human Services; Governor's Coordinator on Homelessness; Hawai'i State AFL-CIO; LGBT Caucus of the Democratic Party of Hawai'i; Rainbow Family 808; Hawaii Youth

Services Network; Partners in Care, Oahu's Continuum of Care; Pride at Work - Hawai'i; Catholic Charities Hawai'i; and five individuals.

Your Committee finds that youth experiencing homelessness in the State is a growing issue that needs to be addressed separately from adult and family homelessness. Your Committee further finds that programs that provide services to youths can currently only provide shelter to those eighteen years of age and older. Your Committee additionally finds that there is also a population of unaccompanied youth who avoid shelter services for fear of being placed into the foster care system or into a placement that they do not want to be in. As a result, homeless youth are left without a safe space to sleep at night and many often partner with older adults and end up in unlawful, exploitive situations. This measure seeks to increase access to emergency shelter for homeless youth by expanding the circumstances under which a minor may consent to no cost emergency shelter.

Your Committee has amended this measure by:

- (1) Expanding the sunset date to apply to the entire measure; 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. 282, 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. 282, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1646 (Joint) Judiciary and Ways and Means on H.B. No. 136

The purpose and intent of this measure is to make applicable to limited liability companies, provisions related to the transfer of liquor licenses and the denial of liquor licenses.

Your Committees received testimony in support of this measure from the Liquor Commission of the City and County of Honolulu.

Your Committees find that there are inconsistencies under existing law regarding changes in the principals of entities that hold a liquor license. Certain housekeeping amendments are needed to ensure these provisions are internally consistent and to conform state liquor law to modern business practices. This measure removes inconsistencies regarding changes in the principals of the entity holding the liquor license and allows limited liability companies to be treated the same as a corporation.

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. 136, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 8. Noes, none. Excused, 3 (Inouye, Kanuha, Moriwaki).

SCRep. 1647 (Joint) Judiciary and Ways and Means on H.B. No. 345

The purpose and intent of this measure is to mandate appointment of a guardian to represent the best interests of a mentally ill individual in assisted community treatment proceedings.

Your Committees received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Institute for Human Services, Inc.; Hawai'i Substance Abuse Coalition; 'Ohana Health Plan; and eight individuals. Your Committees received testimony in opposition to this measure from the Judiciary. Your Committees received comments on this measure from the Department of the Attorney General, Office of the Public Defender, and Hawai'i Disability Rights Center

Your Committees find that the Assisted Community Treatment process (ACT) established in 2013 provides individuals with severe mental illness who are unlikely to live safely in the community without available supervision with necessary medical treatment and medication when it is in the individual's best interest. ACT presents appropriate individuals with an opportunity to receive on-going treatment in the least restrictive setting and serves as a vital alternative to repeat emergency interventions as their primary course of treatment. However, many mentally ill individuals are not ordered to obtain treatment through ACT. Existing law does not require a guardian ad litem to be appointed to represent the individual with severe mental illness for whom an ACT petition is sought. Your Committees further find that the mandatory appointment of a guardian ad litem will improve the ACT process by providing an advocate for the concerned individual's needs and interest. Your Committees note that while the prior Committees expressed the intent to remove the requirement that the Office of the Public Defender be appointed to represent subjects of ACT petitions, not all necessary amendments were made.

Your Committees have amended this measure by:

- Mandating the appointment of a guardian ad litem rather than the Public Guardian to represent the best interests of a mentally ill individual in ACT proceedings unless the court determines the existence of a guardian;
- (2) Eliminating the requirement that the Office of the Public Defender participate in ACT proceedings on behalf of the subject of a petition;
- (3) Making conforming amendments;
- (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. 345, 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. 345, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1648 (Joint) Judiciary and Ways and Means on H.B. No. 670

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;
- (2) Authorize designated beneficiaries to receive the reduced ERS benefits to which the member, former member or retirant would be entitled under this section upon the death of the member, former member, or retirant; and
- (3) Prohibit designated beneficiaries convicted of a felony under the same set of circumstances as the member, former member, or retirant who was subject to forfeiture of ERS benefits from receiving benefits.

Your Committees received testimony in support of this measure from the Hawaii State Ethics Commission, Employees' Retirement System, Common Cause Hawaii, and eight individuals.

Your Committees find that public officers and employees are responsible for upholding the public's trust in government and democracy, and that the public's belief in government and democracy becomes strained when public officers and employees participate in misconduct in their employment, while maintaining the benefits of their employment. Existing law requires an employee of the State or county who is convicted of a felony to have their employment terminated; however, the employee is still entitled to receive benefits from the ERS. Your Committees further find that public employees who have been convicted of a felony that is directly related to the employee's position or duties ultimately lose the trust of the public by misusing their position, and therefore, should no longer be eligible to receive their full benefits resulting from their employment with the State or county.

Your Committees also note concerns raised in the public hearing on this measure about whether this measure should also apply to misdemeanors relating to money theft or corruption, and find that these concerns merit further consideration by the Legislature.

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. 670, 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. 670, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 7. Noes, none. Excused, none. Ways and Means: Ayes, 9. Noes, none. Excused, 2 (English, Moriwaki).

SCRep. 1649 (Joint) Judiciary and Ways and Means on H.B. No. 1016

The purpose and intent of this measure is to:

- (1) Authorize the Department of Land and Natural Resources to establish rules and fees for the issuance of a commercial marine vessel license;
- (2) Provide that a single valid commercial marine vessel license satisfies the licensure requirement for all persons aboard the licensed vessel;
- (3) Require any person who provides fishing charter services to obtain a commercial marine license;
- (4) Allow marine charter fishing vessels to obtain commercial marine vessel licenses; and
- (5) Require the Department of Land and Natural Resources to submit a report to the Legislature regarding the status of its administrative rules establishing a new commercial marine vessel license category.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; United Fishing Agency; and three individuals.

Your Committees find that currently, each individual on a fishing vessel must have their own commercial marine license to participate in a commercial fishing trip. Your Committees further find that this requirement can be unduly burdensome on small scale, boat-based commercial fishers and those who provide vessel-based commercial fishing charter services, especially in situations in which part-time crew members are needed for a trip or when visitors are invited on board. This measure allows for a single commercial marine vessel license to cover all individuals aboard a commercial marine vessel which will help clarify who is responsible for submitting catch reports for the vessel.

Your Committees have amended this measure by:

- Specifying that a vessel used for or engaged in the taking of marine life for commercial purposes that is on a trip of seventytwo hours or less may obtain a commercial marine vessel license;
- (2) Inserting an effective date of May 6, 2137, 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 H.B. No. 1016, 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. 1016, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (English, Moriwaki).

SCRep. 1650 (Joint) Judiciary and Ways and Means on H.B. No. 553

The purpose and intent of this measure is to:

- (1) Establish the offense of intentionally and knowingly capturing, entangling, or killing a shark in state marine waters, and provide penalties and fines;
- (2) Provide certain exemptions; and
- (3) Allow the Department of Land and Natural Resources to establish rules to achieve certain objectives.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Animal Rights Hawaii, Save the Sea Turtles International, Moana 'Ohana, Hawaii' Reef and Ocean Coalition, Clean the Pacific, The Humane Society of the United States, Center for Biological Diversity, Pacific Whale Foundation, Keiko Conservation, a petition signed by sixteen organizations, and fifty-one individuals. Your Committees received testimony in opposition to this measure from the Native Hawaiian Gathering Rights Association; Hawaii Fishermen's Alliance for Conservation and Tradition, Inc; and sixteen individuals. Your Committees received comments on this measure from the Hawaii' Institute of Marine Biology.

Your Committees find 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 Committees further find that article XI, section 1, of the Hawaii State Constitution provides that the State "shall conserve and protect Hawai'i's natural beauty and all natural resources". This measure will provide protection for sharks by establishing and expanding prohibitions against intentionally or knowingly capturing or killing them.

Your Committees have amended this measure by:

- (1) Removing references to subsistence fishing from the purpose section;
- (2) Changing the required state of mind for the offense to intentionally or knowingly;
- (3) Clarifying the exemption for acts of self defense or defense of another;
- (4) Clarifying that the rulemaking authority of the Department of Land and Natural Resources is not limited to the listed policy goals:
- (5) Clarifying that the incidental capture and release of sharks is not criminalized; 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. 553, 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. 553, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1651 (Joint/Majority) Judiciary and Ways and Means on H.B. No. 103

The purpose and intent of this measure is to:

- (1) Clarify that the powers granted for emergency purposes shall not be inconsistent with the Hawaii State Constitution;
- (2) Provide parameters for the duration of suspension of laws and require justification for the suspension;
- (3) Require approval of the Legislature by concurrent resolution to extend to a date certain, or deny the extension of, a proclamation of a state of emergency timely requested by the Governor beyond sixty days of its issuance, unless the Legislature fails to take action, in which case the state of emergency is automatically extended for sixty days; and
- (4) Allow the authorization of the issuance of a separate proclamation arising from the same emergency or disaster as a previous proclamation that expired, upon request of the Governor and adoption of a concurrent resolution by the Legislature.

Your Committees received testimony in support of this measure from the Civil Beat Law Center for the Public Interest; League of Women Voters of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and two individuals. Your Committees received testimony in opposition to this measure from the Hawaii Emergency Management Agency, Maui Chamber of Commerce, and two individuals. Your Committees received comments on this measure from Common Cause Hawaii and Grassroot Institute of Hawaii.

Your Committees find that to address the coronavirus disease 2019 (COVID-19) pandemic, the Governor declared a state of emergency on March 4, 2020, and has since issued 17 supplemental proclamations extending the state of emergency and other

restrictions. Your Committees further find that concerns have been raised regarding the prolonged suspension of sunshine laws and open record laws during the COVID-19 pandemic, and that more checks and balances with regard to the extension of emergency proclamations are required to ensure the welfare of the residents of the State.

Your Committees note concerns regarding the meaning of "expeditious and efficient execution" as used pertaining to the scope and duration of an emergency proclamation, as well as the potential procedure for situations in which the Legislature is not in session and urgent action is needed. Your Committees find that these concerns may merit further consideration as this measure proceeds through the legislative process.

Your Committees have amended this measure by:

- (1) Removing specific references to chapters 92 and 92F, Hawaii Revised Statutes, in language requiring the Governor or Mayor to specify reasons for the suspension of a law;
- (2) Inserting an effective date of May 6, 2137, 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 H.B. No. 103, 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. 103, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 4. Noes, 2 (Kim, Fevella). Excused, 1 (Lee). Ways and Means: Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 1652 (Joint) Judiciary and Ways and Means on H.B. No. 310

The purpose and intent of this measure is to require assessment of patients who are subject to emergency hospitalization, diagnosed with a mental illness or severe substance use disorder, and found to be lacking decisional capacity to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient.

Your Committees received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Hina Mauka; Hawai'i Psychological Association; The Institute for Human Services, Inc.; and five individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Office of the Public Defender, Hawai'i Disability Rights Center, and The Queen's Health Systems.

Your Committees find that many persons suffering from serious mental illness do not receive timely and appropriate care or treatment because emergency response procedures in the State generally do not permit involuntary emergency hospitalization except in very narrow circumstances. Your Committees further find that these procedures often result in a cycle of crisis response and short-term emergency treatment, after which the person receives no further care. This measure will increase the likelihood that persons suffering from serious mental illness or severe substance abuse will receive timely and appropriate care and treatment, whether when brought to an emergency department for evaluation, hospitalized in a psychiatric facility under an emergency hospitalization or involuntary commitment order, or while being considered for assisted community treatment, by requiring the assessment of certain patients subject to emergency hospitalization to determine if a surrogate or guardian should be appointed to make appropriate health care decisions for the patient.

Your Committees note that for certain types of mental illness, inability to recognize one's own illness is a classic symptom and that without involuntary treatment, it may not be possible for such an individual to receive any treatment until the person has seriously hurt themself or someone else.

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. 310, H.D. 2, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Inouye, Moriwaki).

SCRep. 1653 (Joint) Judiciary and Ways and Means on H.B. No. 333

The purpose and intent of this measure is to:

- (1) Authorize peer-to-peer car-sharing and establishes regulations thereof; and
- (2) Establish the peer-to-peer car-sharing surcharge tax on the operator of the peer-to-peer program.

Your Committees received testimony in support of this measure from the Department of Transportation and Enterprise Holdings. Your Committees received comments on this measure from the Department of Taxation; Office of Consumer Protection; Department of Commerce and Consumer Affairs Insurance Division; Tax Foundation of Hawai'i; Turo, Inc.; Hawai'i Association for Justice; Avail; and Grassroot Institute of Hawai'i.

Your Committees find that peer-to-peer car-sharing programs provide an alternative form of transportation for persons who do not own a car, nor wish to use public transportation. Your Committees further find that due to the recent development of peer-to-peer car sharing as an industry, uniform protections and safety standards for peer-to-peer car sharing do not yet exist. This measure will ensure that consumer protections are established with respect to the operation of a peer-to-peer car-sharing program.

Your Committees have amended this measure by:

- (1) Expanding the definition of "car-sharing termination time" to include situations in which a shared car:
 - (A) Is returned prior to the expiration of the car-sharing period;
 - (B) Cannot legally or safely be operated; and
 - (C) Is the subject of a safety recall;
- (2) Clarifying various definitions;
- (3) Requiring motor vehicle group insurances policies purchased by a peer-to-peer car-sharing program to be from an insurer authorized to transact insurance in the State;
- (4) Specifying that an insurer may exclude coverage and the duty to defend or indemnify a claim under a shared car owner's motor vehicle insurance policy except when coverage is required;
- (5) Requiring peer-to-peer car-sharing programs to collect records relating to the car-sharing program agreement and to disclose those records to the shared-car owner, shared-car driver, insurers, and law enforcement and other government agencies under certain circumstances;
- (6) Deleting the exemption from vicarious liability for peer-to-peer car-sharing programs;
- (7) Requiring clear disclosure of all costs, fees, and other terms associated with a car-sharing program agreement to a shared car driver before the execution of the agreement;
- (8) Requiring shared car owners and shared car drivers to acknowledge notice of certain disclosures;
- (9) Requiring peer-to-peer car-sharing programs to indemnify and hold harmless shared car owners and shared car drivers for damage to or theft of equipment during a car sharing period;
- (10) Allowing shared car owners and shared car drivers to seek indemnity for any loss or damage that occurs as a result of equipment installed on or in a vehicle by the peer-to-peer car-sharing program;
- (11) Prohibiting peer-to-peer car sharing programs and shared car owners from requiring an advance deposit from a shared car driver;
- (12) Prohibiting peer-to-peer-car sharing programs and shared car owners from charging a shared car driver more than the cost to repair damage or the actual cash value of a car if the vehicle cannot be repaired, once liability for damages is agreed to by the shared car driver or established by law;
- (13) Requiring peer-to-peer car-sharing programs to:
 - (A) Verify that any repairs related to safety recalls have been completed for each vehicle prior to each car-sharing start time;
 - (B) Notify shared car drivers of any safety recall affecting a shared car so that the car may be removed from use until repairs can be completed; and
 - (C) Not make a vehicle available for car-sharing if the vehicle is subject to a safety recall and repairs have not been completed;
- (14) Requiring a shared car owner to notify the peer-to-peer car-sharing program within forty-eight hours of receipt of a safety recall;
- (15) Requiring peer-to-peer car-sharing programs to enter into agreements with the Airports Division of the Department of Transportation before operating at any airport in the State and comply with all rules of the Airport Division;
- (16) Providing that any person who violates a provision of the peer-to-peer car-sharing chapter shall be deemed to have engaged in an unfair or deceptive act or practice in the conduct of trade or commerce;
- (17) Requiring monies collected through the peer-to-peer car-sharing surcharge tax to be deposited into the state highway fund; and
- (18) 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. 333, H.D. 3, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 333, H.D. 3, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1654 Judiciary on H.B. No. 887

The purpose and intent of this measure is to:

- Create a separate commercial sexual exploitation offense for those who provide anything of value to engage in sexual conduct with another;
- (2) Add sex trafficking to offenses that can be prosecuted at any time;
- (3) Create strict liability for the crime of sex trafficking where the victim is a minor;

- (4) Change the name of the offense of solicitation of a minor for prostitution to commercial sexual exploitation of a minor;
- (5) Increase the grade of offense of commercial sexual exploitation of a minor to a class B felony; and
- (6) Expand the types of compensation for purposes of commercial sexual exploitation offenses to include "anything of value".

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Imua Alliance, CHILD USA, CHILD USAdvocacy and one individual. 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 Hawaii State Commission on the Status of Women.

Your Committee finds that sex trafficking is an ever-evolving criminal enterprise in which traffickers and exploiters find various means to sexually exploit the most vulnerable in our community. Your Committee further finds that protecting victims from sexual exploitation and holding offenders accountable is difficult given the disparity in power between the victims and perpetrators, and that amending Hawaii's sex trafficking laws to better reflect the current reality and challenges will improve outcomes for trafficking victims and survivors.

Your Committee notes concerns relating to the limited exemption for law enforcement officers from certain sexual exploitation offenses in the course and scope of duties during undercover operations, and requests the Department of the Attorney General, Departments and Offices of the Prosecuting Attorney for each county, and all law enforcement agencies in the State to review their policies on sting operations and provide information to the Legislature prior to the Regular Session of 2022 regarding any reason why sexual contact that is not initiated by an officer should be allowed, especially in the case of minors, and whether allowing sexual contact results in convictions of sex traffickers.

Your Committee additionally finds that a good faith exemption to prosecution for persons in need of help or medical assistance is an idea worthy of further consideration, but any such exemption will require careful crafting.

Your Committee has amended this measure by:

- (1) Amending the purpose section to better reflect the contents of the measure;
- (2) Removing extraneous language relating to the class of offense of commercial sexual exploitation;
- (3) Removing sexual contact initiated by a law enforcement officer from exemptions from commercial sexual exploitation and prostitution-related offenses for law enforcement officers in the course and scope of their duties, and specifying that the exemption only applies when the law enforcement officer is engaged in undercover operations;
- (4) Deleting the good faith exemption in the offense of commercial sexual exploitation for persons seeking law enforcement assistance or medical assistance;
- (5) Clarifying that a person may be prosecuted for profiting from prostitution or sex trafficking even if a person does not directly participate in the offense from which they profit;
- (6) Including offering to provide anything of value to a law enforcement officer who represents themself as a minor in exchange for sexual conduct within the offense of commercial sexual exploitation of a minor;
- (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 H.B. No. 887, 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. 887, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, 1 (Lee).

SCRep. 1655 Ways and Means on H.B. No. 925

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (11), which consists of firefighters, along with their excluded counterparts.

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

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (11) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

As affirmed by the record of votes of the members 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. 925, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1656 Ways and Means on H.B. No. 1276

The purpose and intent of this measure is to provide the Department of Land and Natural Resources with the flexibility necessary to effectively manage the state park system.

More specifically, this measure:

- (1) Authorizes the Board of Land and Natural Resources to adopt, amend, and repeal administrative fee schedules for the Division of State Parks by formal board action at public meetings rather than through administrative rulemaking; and
- (2) Appropriates moneys from the state parks special fund for the administration of the state parks program.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Tourism Authority, and Hui Makaainana o Makana.

Your Committee finds that this measure will allow the Department of Land and Natural Resources to practice adaptive management by adjusting the fee structure for state parks seasonally or in response to changing circumstances or economic conditions.

As affirmed by the record of votes of the members 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. 1276, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1657 Ways and Means on H.B. No. 824

The purpose and intent of this measure is to require any express carrier company, certain common or contract carriers, or any other person that transports liquor from outside the State for delivery in the State, to prepare and file a monthly report with the liquor commission or liquor control adjudication board of each county.

Your Committee received written comments in support of this measure from the Hawaii Liquor Wholesalers Association.

Your Committee received written comments in opposition to this measure from the Hawaii Transportation Association.

Your Committee finds that the monthly report required by this measure will help to prevent illegal shipments of liquor that hurt Hawaii's economy and result in a loss of income and employment for the State's residents.

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. 824, 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. 824, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1658 Ways and Means on H.B. No. 834

The purpose and intent of this measure is to require that the Department of Land and Natural Resources collaborate with the County of Hawaii to conduct site surveys to identify the most suitable locations for black cinder cone quarries on the island of Hawaii.

Your Committee received written comments in support of this measure from the University of Hawaii College of Tropical Agriculture and Human Resources, Hawaii Farm Bureau, Hawaii Floriculture and Nursery Association, Orchid Growers of Hawaii, and Hawaii Tropical Flower Council.

Your Committee received written comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that this measure will help provide to agricultural businesses in the State reliable access to black cinder media, which is essential for plant breeding, container grown plants, and landscaping.

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 H.B. No. 834, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 834, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1659 Ways and Means on H.B. No. 863

The purpose and intent of this measure is to authorize the issuance of general obligation bonds for the forest stewardship program to build and expand the facilities of state tree nurseries.

Your Committee received written comments in support of this measure from the University of Hawaii, Department of Land and Natural Resources, 350 Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Climate Protectors of Hawaii, and two individuals.

Your Committee finds that the tree nursery improvements supported by this measure will allow the Department of Land and Natural Resources to scale up tree production to help meet the State's sustainability, agriculture, watershed, and carbon neutrality goals.

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

As affirmed by the record of votes of the members 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. 863, 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. 863, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1660 Ways and Means on H.B. No. 1019

The purpose and intent of this measure is to establish the ocean stewardship special fund and ocean stewardship user fee.

More specifically, this measure:

- (1) Establishes the ocean stewardship special fund;
- Requires that twenty percent of certain funds collected and deposited into the ocean stewardship special fund be payable to the Office of Hawaiian Affairs as ceded lands revenues;
- (3) Establishes an ocean stewardship user fee to be assessed on passengers and users of certain vessels;
- (4) Provides that the ocean stewardship special fund shall be abolished on June 30, 2030; and
- (5) Delays collection of the ocean stewardship user fee until January 1, 2024.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, the Office of Hawaiian Affairs, Clean The Pacific, Hawaii Reef and Ocean Coalition, Kauhako Ohana Association, Kuaaina Ulu Auamo, Malama Pupukea-Waimea, Ocean Tourism Coalition, The Nature Conservancy Hawaii, and five individuals.

Your Committee received written comments on this measure from Pacific Whale Foundation.

Your Committee finds that assessing a nominal ocean stewardship user fee will provide revenue to help make the State's reefs healthier and restore fisheries.

Your Committee has amended this measure by:

- (1) Clarifying that twenty percent of certain gross revenues collected and deposited into the ocean stewardship special fund shall be payable to the Office of Hawaiian Affairs as ceded lands revenues;
- (2) Requiring that any ocean stewardship user fees collected after June 30, 2030, be deposited into the general fund;
- (3) Clarifying that the statutory provision establishing the ocean stewardship special fund shall be repealed on June 30, 2030; 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 H.B. No. 1019, 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. 1019, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1661 Ways and Means on H.B. No. 1130

The purpose and intent of this measure is to require the Office of Planning to hire a contractor to identify and assess alternative financing, project delivery, and cost recovery mechanisms to recapture the State's investment in transit-oriented development infrastructure.

More specifically, this measure:

- (1) Requires the Office of Planning to hire a contractor to consult with various entities to:
 - (A) Identify and assess alternative financing, project delivery, and cost recovery mechanisms for the State to recapture its upfront investment in transit-oriented development infrastructure;
 - (B) Apply and make recommendations for the implementation of financing, cost recovery, and project delivery tools to one transit-oriented development site in each county; and
 - (C) Analyze barriers to, and strategies for, implementing alternative financing, project delivery, and cost recovery mechanisms for transit-oriented developments; and
- (2) Authorizes the Director of Finance to issue general obligation bonds for the Office of Planning to hire the contractor.

Your Committee received written comments in support of this measure from the Hawaii Interagency Council for Transit-Oriented Development, Office of Planning, and Building Industry Association of Hawaii.

Your Committee finds that this measure will facilitate effective strategies for financing and developing infrastructure necessary to serve transit-oriented developments.

Your Committee has amended this measure by:

- (1) Clarifying that the contractor hired pursuant to this measure shall propose specific financing, cost recovery, and project delivery tools to be implemented at one transit-oriented development site in each county as a pilot project;
- (2) Correcting the title of a state official from "Chief of Staff of the Office of the Governor" to the "Administrative Director of the Office of the Governor"; 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 H.B. No. 1130, 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. 1130, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1662 Ways and Means on H.B. No. 1149

The purpose and intent of this measure is to streamline the manner in which the State handles certain land use and planning matters.

More specifically, this measure administratively attaches the Land Use Commission to the Office of Planning.

Your Committee received written comments in support of this measure from the Office of Planning, Land Use Commission, and Democratic Party of Hawaii.

Your Committee finds that this measure will improve the coordination of the related functions of the Land Use Commission and Office of Planning. Your Committee also finds that this improved coordination will help the State achieve its long-term sustainability and climate change goals.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2021; 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. 1149, 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. 1149, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1663 Ways and Means on H.B. No. 1176

The purpose and intent of this measure is to establish a Green Jobs Youth Corps Program.

More specifically, this measure:

- (1) Designates the Department of Land and Natural Resources to administer or enter into agreements to administer a green jobs youth corps program to provide temporary work and training in natural resource management, agriculture, conservation, renewable energy, or other sustainability professions;
- (2) Requires the Department of Land and Natural Resources to submit a report on its progress in implementing the program; and
- (3) Appropriates funds for the program.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; two members of the Hawaii County Council; Kuaaina Ulu Auamo; Beyond Organic Consulting, Inc.; Kupu; Hawaii Fish Company Inc.; Hawaii SEED; The Nature Conservancy Hawaii; Re-use Hawaii; KAEHU; Hawaii's Thousand Friends; Young Democrats of Hawaii; HPM Building Supply; Beach Environmental Awareness Campaign Hawaii; Bishop Museum; Touching the Earth; and nineteen individuals.

Your Committee finds that a green jobs youth corps program will help to address the employment displacement impacts of the coronavirus disease 2019 pandemic while supporting economic diversification and green sector industries.

Your Committee hopes that in the future, the Green Jobs Youth Corps Program will expand its scope of focus beyond careers in the field of conservation and to individuals under thirty years of age while also attempting to diversify Hawaii's economy.

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 H.B. No. 1176, 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. 1176, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1664 Ways and Means on H.B. No. 1284

The purpose and intent of this measure is to require certain health insurance providers to provide administrative data to the Department of Human Services health analytics program.

More specifically, this measure:

- (1) Requires:
 - (A) Health insurance providers that provide health benefits plans funded by the Hawaii employer-union health benefits trust fund, the state Medicaid agency, or both;
 - (B) Health insurance providers that provide Medicare Advantage (Medicare part C) health benefits plans; and
 - (C) Other health insurance providers, upon request,

to provide certain administrative data to the Department of Human Services health analytics program;

- Authorizes the health analytics program to contract with entities for the analysis of all-claims, all-payer administrative data collected pursuant to this measure;
- (3) Requires the health analytics program to develop and update an annual plan for the analysis, maintenance, and publication of all-claims, all-payer administrative data collected pursuant to this measure;
- (4) Prohibits the re-identification of subjects of protected health information from the all-claims, all-payer administrative data;
- (5) Prohibits the disclosure of all-claims, all-payer administrative data containing personal identifiers;
- (6) Authorizes the health analytics program or its designee to acquire federal Medicare data sets specific to the State and made available to the states, and requires all public agencies possessing these data sets to share the data with the health analytics program or its designee at no additional cost to the health analytics program or its designee; and
- (7) Requires the health analytics program to submit an annual report to the Legislature.

Your Committee received written comments in support of this measure from the Department of Human Services, Hawaii Employer-Union Health Benefits Trust Fund, and Health Committee of the Democratic Party of Hawaii.

Your Committee finds that the all-claims, all-payer database and data center is a vital source of information used by several state departments and agencies for program planning. Your Committee recognizes that the Department of Human Services has noted that a steering committee has been convened to oversee and provide direction for the database and data center. Your Committee believes that due to the importance of the database and the data center, it is appropriate to codify in statute the establishment of the steering committee.

Accordingly, your Committee has amended this measure by:

- Deleting its contents and inserting language that provides for the establishment of an all-claims, all-payer data center steering committee to oversee and provide direction for the all-claims, all-payer database and data center; 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 H.B. No. 1284, 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. 1284, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1665 Ways and Means on H.B. No. 1296

The purpose and intent of this measure is to amend the use of tobacco litigation settlement moneys:

More specifically, this measure:

- (1) Repeals the deposit of tobacco litigation settlement moneys to the Hawaii tobacco prevention and control trust fund;
- Establishes that the transfer of tobacco litigation settlement moneys to the university revenue-undertakings fund shall cease on July 1, 2033;
- (3) Repeals the Hawaii tobacco prevention and control trust fund;
- (4) Transfers any unencumbered balances in the Hawaii tobacco prevention and control trust fund to the general fund; and
- (5) Appropriates general funds to the Department of Health for tobacco use prevention and control.

Your Committee received written comments in support of this measure from the Hawaii Smokers Alliance and ten individuals.

Your Committee received written comments in opposition to this measure from the Department of Health; University of Hawaii Student Health Advisory Council; Lanai Community Health Center; Hawaii Substance Abuse Coalition; I Ola Lahui; HIPHI Youth Council; We Are One, Inc.; American Heart Association; Get Fit Kauai; Waimanalo Health Center; Kapiolani Medical Center-Pediatric and Women's Services; Hawaii Primary Care Association; Hawaii Medical Association; Kapiolani Smokefree Families; Hawaii Public Health Institute; Tobacco-Free Kids Action Fund; American Cancer Society Cancer Action Network; Hawaii COPD Coalition; Hawaii Community Foundation; AlohaCare; Adventist Health Castle; Hamakua-Kohala Health; Blue Zones Project; Pioneering Healthier Communities of Honolulu; and numerous individuals.

Your Committee received written comments on this measure from the University of Hawaii.

Your Committee finds that existing law provides that tobacco settlement moneys not deposited into a specific fund shall be deposited into the general fund. Thus, repealing this measure's requirement that a portion of the tobacco litigation settlement moneys be deposited into the Hawaii tobacco prevention and control trust fund will cause general fund revenues to increase. Your Committee further finds that increasing general fund revenues will provide greater flexibility for funding a broader range of programs that address tobacco use prevention and control than those that are currently authorized.

Your Committee has amended this measure by:

- (1) Delaying the repeal of the Hawaii tobacco prevention and control trust fund to June 30, 2025;
- (2) Repealing, effective June 30, 2025, the statutory requirement for the tobacco prevention and control advisory board to advise on the administration of the Hawaii tobacco prevention and control trust fund;
- (3) Prohibiting any contract for the management of Hawaii tobacco prevention and control trust fund moneys from extending beyond June 30, 2025;
- (4) Transferring to the general fund on June 30, 2025, any unencumbered balances remaining in the Hawaii tobacco prevention and control trust fund;
- (5) Deleting an appropriation from the general fund to the Department of Health for tobacco prevention and control; 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. 1296, 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. 1296, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Moriwaki, Taniguchi, Fevella). Noes, none. Excused, none.

SCRep. 1666 Ways and Means on H.B. No. 1322

The purpose and intent of this measure is to establish the trauma-informed care task force.

More specifically, this measure:

- (1) Establishes the trauma-informed care task force within the Department of Health; and
- (2) Requires the task force to develop and make recommendations for trauma-informed care in the State and submit a report to the Legislature.

Your Committee received written comments in support of this measure from the Department of Health, Department of Human Services, Executive Office on Early Learning, University of Hawaii, Early Childhood Action Strategy, Hawaii Children's Action Network Speaks!, Hawaii Community Foundation, Hawaii Pacific Health, Hawaii Primary Care Association, Hawaii Youth Services Network, HawaiiKidsCAN, Kamehameha Schools, Kinai Eha, and six individuals.

Your Committee finds that the coronavirus disease 2019 pandemic may cause long-term negative impacts to the mental health of children and other youth. Accordingly, your Committee believes that it is necessary and appropriate to begin statewide coordination and collaboration efforts to address these and other adverse childhood events.

Your Committee has amended this measure by:

- (1) Clarifying that membership on the trauma-informed care task force may include the designees of only certain members;
- (2) Clarifying that the member of the Judiciary and the faculty member of the University of Hawaii John A. Burns School of Medicine are to be appointed to the trauma-informed care task force by the Chief Justice of the Supreme Court and the Dean of the University of Hawaii John A. Burns School of Medicine, respectively;
- (3) Deleting a reference to the "Department of Native Hawaiian Health" to enable any faculty member within the University of Hawaii John A. Burns School of Medicine with expertise in the field of trauma-informed care to be considered for membership on the trauma-informed care task force; 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 H.B. No. 1322, 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. 1322, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (English).

SCRep. 1667 Ways and Means on H.B. No. 1333

The purpose and intent of this measure is to require the Hawaii State Energy Office, in consultation with the Department of Health, to conduct a study on clean energy product disposal and recycling.

More specifically, this measure:

Requires the Hawaii State Energy Office, in consultation with the Department of Health, to conduct a comprehensive study to
determine the best practices for disposal and recycling of discarded clean energy products;

- (2) Specifies the required topics to be addressed in the comprehensive study;
- (3) Requires the Hawaii State Energy Office to submit interim and final reports to the Legislature; and
- (4) Appropriates moneys to the Department of Business, Economic Development, and Tourism for the Hawaii State Energy Office to conduct the comprehensive study.

Your Committee received written comments in support of this measure from the Environmental Caucus of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Hawaii State Energy Office.

Your Committee finds that older clean energy products will soon reach the end of their respective useful commercial lifespans and require disposal. Accordingly, your Committee believes that the comprehensive study required by this measure is both appropriate and timely.

Your Committee has amended this measure by:

- (1) Correctly referencing the name of an entity as "the International Renewable Energy Agency"; 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. 1333, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1333, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1668 (Majority) Ways and Means on H.B. No. 1348

The purpose and intent of this measure is to provide the necessary powers, appropriations, and guidance to ensure optimal development of the Stadium Development District as intended and established by Act 268, Session Laws of Hawaii 2019.

Specifically, this measure:

- (1) Establishes a stadium development special fund and provides for the abolition of the existing stadium special fund;
- (2) Revises the general development guidance policies for the stadium development district and the roles of the Stadium Authority and the Hawaii Community Development Authority in the development of the district;
- (3) Broadens the powers and duties of the Stadium Authority;
- (4) Exempts land to which the Stadium Authority holds title from the definition of "public lands";
- (5) Amends the membership of the Stadium Authority;
- (6) Amends the general obligation bond authorization made by Act 268, Session Laws of Hawaii 2019; and
- (7) Provides that financial disclosures by members of the Stadium Authority shall be public records.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services; Stadium Authority; Hawaii Community Development Authority; University of Hawaii; Hawaii Construction Alliance; Bricklayers Union, Local 1; Pacific Resource Partnership; and two individuals.

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 Budget and Finance; League of Women Voters; Hawaii Operating Engineers Industry Stabilization Fund; and United Public Workers, AFSCME Local 646.

Your Committee finds that this measure clarifies the roles and responsibilities of all agencies involved in the development of the Stadium Development District and provides a basis to advance the progress of the Stadium Development District.

Your Committee has amended this measure by:

- (1) Providing that the President of the University of Hawaii System, or the President's designee, shall serve as an ex officio, voting member of the Stadium Authority;
- (2) On the recommendation of the Department of Accounting and General Services, clarifying that the Stadium Authority may delegate the implementation of capital improvement projects authorized pursuant to Act 268, Session Laws of Hawaii 2019, with the approval of the Governor;
- (3) Changing the effective date to July 1, 2021; 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. 1348, 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. 1348, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 1669 (Majority) Ways and Means on H.B. No. 1377

The purpose and intent of this measure is to establish the electronic citation program.

More specifically, this measure:

- (1) Establishes an electronic citation surcharge of \$2 that shall be charged to persons who receive certain traffic, misdemeanor, or other citations;
- (2) Establishes the electronic citation program within the Judiciary;
- (3) Establishes an electronic citation special fund; and
- (4) Appropriates moneys to the Judiciary for start-up costs associated with the electronic citation program.

Your Committee received written comments in support of this measure from the Department of Transportation, Judiciary, Department of the Prosecuting Attorney of the County of Maui, Hawaii Police Department, Honolulu Police Department, Maui Police Department, and Office of the Prosecuting Attorney of the County of Kauai.

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

Your Committee finds that establishing and implementing an electronic citation program will help to resolve handwriting legibility issues associated with physical citations, eliminate the need to collect and scan paper citations, and decrease delays in traffic case initiation and a motorist's ability to pay applicable fines and fees online. Further, your Committee believes that it is necessary to increase the electronic citation surcharge amount from \$2 to \$5 to ensure that the electronic citation program is self-sustaining.

Your Committee has amended this measure by:

- (1) Increasing the electronic citation surcharge amount from \$2 to \$5;
- (2) Replacing a reference to "county police departments" with a reference to "law enforcement agencies" to require that moneys in the electronic citation special fund be distributed by the Judiciary to the respective law enforcement agencies and clerk of the court; 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 H.B. No. 1377, 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. 1377, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, 1 (Fevella). Excused, 1 (English).

SCRep. 1670 (Joint) Government Operations and Judiciary and Ways and Means on H.B. No. 882

The purpose and intent of this measure is to:

- (1) Require purchasing agencies to make a written determination that the amount of a contracting action for purchases of health and human services is fair and reasonable;
- (2) Amend the selection process and composition of the Procurement Policy Board;
- (3) Amend the circumstances for when treatment services may be purchased and the procedure to purchase such service;
- (4) Increase the small purchase threshold; and
- (5) Repeal the establishment of the Community Council on Purchase of Health and Human Services.

Your Committees received testimony in support of this measure from the State Procurement Office. Your Committees received comments on this measure from Protecting Hawaii's Ohana, Children, Under Served, Elderly, and Disabled.

Prior to decision making on this measure, your Committees made available for public review a proposed S.D. 2, which amends this measure by adding the contents of S.B. No. 1329, S.D. 2, (Regular Session of 2021), as part II, which requires the Chief Procurement Officer to expeditiously resolve any protest and creates time limits to resolve protests to the awards of competitive sealed proposal contracts and procurements of professional services.

Your Committees received testimony in support of the proposed S.D. 2 from the Department of Transportation; State Procurement Office; Hawaii Substance Abuse Coalition; and Nan, Inc. Your Committees received testimony in opposition to the proposed S.D. 2 from the Department of Human Services. Your Committees received comments on the proposed S.D. 2 from the Department of Accounting and General Services, Catholic Charities Hawai'i, General Contractors Association of Hawaii, and Hawai'i Alliance of Nonprofit Organizations.

Your Committees find that the Community Council on Purchase of Health and Human Services (Council) has not met since 2010. Your Committees further find that the Council was valuable and necessary when it was established, but since that time, the focus of health and human services procurements has changed. Therefore, it is appropriate to repeal the establishment of the Council.

After testimony and discussion, your Committees recognize that the State Procurement Office has had difficulty in obtaining members for the Procurement Policy Board (Board). Your Committees further recognize the value of requiring at least one Board member to have significant experience in construction procurement so that the Board can adequately represent the interests for which it was created.

Your Committees additionally find that the timely review and resolution of bid protests reduces the costs and facilitates the execution of state-awarded projects, especially contracts on major construction and other crucial infrastructure enhancements. Your Committees note that existing statutes and administrative rules on procurement protests require a resolution from the procuring department or agency within forty-five days and therefore concludes that seventy-five calendar days, with an extension of forty-five calendar days for extenuating circumstances, is a sufficient period of time for review.

Accordingly, your Committees have amended this measure by adopting the proposed S.D. 2 and further amending the measure by:

- (1) Requiring that at least one member of the Board have significant experience in the field of procurement relating to construction;
- (2) Streamlining the nominating process of the Board by eliminating the nominating committee and requiring the Governor to appoint qualifying members;
- (3) Requiring the Chief Procurement Officer or designee to respond to protests to the award of construction projects valued at or over \$3,000,000 that are awarded pursuant to section 103D-302 or 103D-303 and not resolved by mutual agreement, within seventy-five calendar days;
- (4) Increasing the number of additional days for the Chief Procurement Officer or designee to respond to protests to the award of construction projects valued at or over \$3,000,000 that are awarded pursuant to section 103D-302 or 103D-303, in cases of extenuating circumstances, from thirty to forty-five calendar days; 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 Government Operations, 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. 882, 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. 882, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 5. Noes, none. Excused, none.

Judiciary: Ayes, 7. Noes, none. Excused, none.

Ways and Means: Ayes, 11. Noes, none. Excused, none.

SCRep. 1671 (Majority) Ways and Means on H.B. No. 73

The purpose and intent of this measure is to amend the definition of "emergency worker" in section 707-700, Hawaii Revised Statutes, to include telecommunications dispatchers.

Your Committee received written comments in support of this measure from the Maui Police Department, Hawaii Police Department, Honolulu Fire Department, Honolulu Police Department, Hawaii Fire Department, a member of the E911 Board, the Hawaii Government Employees Association, and sixteen individuals.

Your Committee received written comments in opposition to this measure from the Office of the Public Defender.

Your Committee received written comments on this measure from the Department of Health and one individual.

Your Committee recognizes that section 707-712.7, Hawaii Revised Statutes, elevates to a class B felony an assault against an emergency worker during an emergency period. Your Committee finds that, due to the vital role of telecommunications dispatchers in assisting the public during emergencies, classifying these persons as emergency workers would provide telecommunications dispatchers the same enhanced protection that other emergency workers have under the law.

As affirmed by the record of votes of the members 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. 73, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, 1 (Fevella). Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1672 Ways and Means on H.B. No. 550

The purpose and intent of this measure is to increase energy efficiency in state facilities.

More specifically, this measure:

- (1) Requires certain state facilities to implement energy-efficient measures by 2025, at the latest;
- (2) Requires the Hawaii Natural Energy Institute to collect utility bills and energy usage data for state-owned facilities and to make that information available to the public;
- (3) Establishes a goal to reduce electricity consumption in state facilities by twenty-five percent compared to 2005 energy consumption; and
- (4) Requires that new state buildings be designed to be energy efficient.

Your Committee received written comments in support of this measure from the Hawaii Natural Energy Institute, Hawaii State Energy Office, Chamber of Commerce Hawaii, Hawaii Energy, Democratic Party of Hawaii, Blue Planet Foundation, Ulupono Initiative, Climate Protectors Hawaii, 350Hawaii, U.S. Green Building Council, Environmental Caucus of the Democratic Party of Hawaii, Clean The Pacific, and five individuals.

Your Committee received written comments on this measure from the Department of Education and Department of Accounting and General Services.

Your Committee finds that requiring that energy efficiency measures be implemented in state facilities will help to reduce the taxpayer burden, create clean energy jobs, reduce greenhouse gas emissions, and lead by example to encourage private industry to implement similar environmentally conscious policies.

As affirmed by the record of votes of the members 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. 550, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1673 Ways and Means on H.B. No. 33

The purpose and intent of this measure is to amend the Information Technology Steering Committee's composition and the terms of the committee's members.

More specifically, this measure:

- (1) Amends the terms of the members of the Information Technology Steering Committee;
- (2) Amends the composition of the Information Technology Steering Committee; and
- (3) Requires the Chief Information Officer to present an annual report of the Office of Enterprise Technology Services to the Information Technology Steering Committee for public comment prior to submitting the report to the Governor and Legislature.

Your Committee received written comments in support of this measure from the Department of Education, Office of Enterprise Technology Services, Transform Hawaii Government, and one individual.

Your Committee finds that the sudden and rapid shift to remote work resulting from the coronavirus disease 2019 pandemic has reinforced the State's critical need for the Information Technology Steering Committee to continue assisting with the State's technological and digital transformation efforts. However, your Committee further finds that the rapidly changing technological landscape and the State's sudden and increased reliance on information technology has caused unexpected challenges for the State's information technology leaders. Accordingly, your Committee believes that amending the membership terms and composition of the Information Technology Steering Committee is appropriate.

Your Committee has amended this measure by:

- (1) Clarifying that the Chief Information Office shall submit its annual report to the Governor and Legislature after presenting the report to the Information Technology Steering Committee; 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. 33, 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. 33, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1674 Ways and Means on H.B. No. 119

The purpose and intent of this measure is to amend Act 43, Session Laws of Hawaii 2019, to replace E Ola Mau Na Leo O Kekaha with Kaunalewa as the entity authorized to receive the special purpose revenue bonds issued to assist with the financing, acquisition, remediation, construction, and development of the old Kekaha Sugar Mill.

Your Committee received written comments in support of this measure from a member of the Kauai County Council.

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

Your Committee finds that this measure is necessary for the improvement of the old Kekaha Sugar Mill. Your Committee also finds that the proposed improvements to the old Kekaha Sugar Mill will facilitate the revitalization of the Kekaha community and support Kauai's agricultural industry.

Your Committee has amended this measure by:

- (1) Changing the special purpose revenue bond authorization amount to an unspecified sum;
- (2) Amending Section 5 of Act 43, Session Laws of Hawaii 2019, to extend from June 30, 2024, to June 30, 2026, the date by which the special purpose revenue bonds authorization shall lapse;
- (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 H.B. No. 119, 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. 119, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1675 Ways and Means on H.B. No. 237

The purpose and intent of this measure is to appropriate funds to mitigate and control the two-lined spittlebug.

Your Committee received written comments in support of this measure from the Hawaii Department of Agriculture; University of Hawaii College of Tropical Agriculture and Human Resources; Ponoholo Ranch Limited; Hawaii Cattlemen's Council; Maui Cattlemen's Association; Larry Jefts Farms, LLC; Local Food Coalition; Maui Chamber of Commerce; Hawaii Farm Bureau; Rocker G. Livestock; Haleakala Ranch; Land Use Research Foundation of Hawaii; Ulupono Initiative; and six individuals.

Your Committee received written comments on this measure from the Big Island Invasive Species Committee.

Your Committee finds that the mitigation and control efforts supported by this measure will help reduce the negative impacts of the two-lined spittlebug on the State's agriculture, environment, and economy.

Your Committee has amended this measure by:

- (1) Changing the estimated value of the State's livestock industry to an unspecified sum;
- (2) Changing the appropriation amount to an unspecified sum; 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 H.B. No. 237, 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. 237, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1676 (Joint) Ways and Means and Commerce and Consumer Protection on H.B. No. 311

The purpose and intent of this measure is to facilitate the administration of the nursing facility sustainability program.

More specifically, the measure:

- (1) Extends the nursing facility sustainability program through June 30, 2024;
- (2) Extends from thirty days to sixty days the period after the end of each month by which payment of the nursing facility sustainability fee is due;
- (3) Establishes that the nursing facility sustainability fee limit is 5.5 percent of overall net patient service revenue;
- (4) Repeals the \$20 per resident daily fee limit;
- (5) Permits certain facilities to pay a reduced daily fee in comparison to other participating facilities; and
- (6) Appropriates moneys from the nursing facility sustainability program special fund.

Your Committees received written comments in support of this measure from the Department of Human Services, Hawaii Primary Care Association, Healthcare Association of Hawaii, and The Queen's Health Systems.

Your Committees find that the nursing facility sustainability program has assisted the State in strengthening its long-term care system in Hawaii. Your Committees recognize that nursing facilities face many challenges due to the coronavirus disease 2019 (COVID-19) pandemic. Your Committees also find that provider fees, which are collected from specific categories of health care providers, may be imposed on different classes of health care services, including inpatient and outpatient hospital and nursing facility services. Accordingly, your Committees find that action must be taken to ensure that nursing facilities in the State have the means to continue to serve Medicaid recipients and under-insured or uninsured patients.

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 Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 311, 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. 311, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 2 (Shimabukuro, Wakai).

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 1677 Ways and Means on H.B. No. 474

The purpose and intent of this measure is to facilitate the administration of the hospital sustainability program.

More specifically, the measure:

- (1) Extends the hospital sustainability program through June 30, 2024;
- (2) Increases the proportion of moneys in the hospital sustainability program special fund that shall be used to match federal Medicaid funds from eighty-eight percent to ninety percent;

- (3) Authorizes moneys from the hospital sustainability program special fund to be used to match federal Medicaid funds, with the combined total to fund Medicaid services including supportive housing, behavioral health care, vaccinations, preventive health care, primary care, and home and community-based services;
- (4) Provides that the aggregate net benefit for private hospitals shall not be less than the aggregate net benefit provided by the hospital sustainability program for fiscal year 2021;
- (5) Increases the maximum hospital sustainability fee from four percent to five and one-half percent of a hospital's net patient service revenue;
- (6) Repeals the exemption from hospital sustainability fees that is currently afforded to children's hospitals and psychiatric hospitals;
- (7) Provides that inpatient and outpatient services at certain private hospitals may be assessed at a different rate than at other private hospitals;
- (8) Extends the due date for payment of the hospital sustainability fee from the thirtieth day to the sixtieth day after the end of each calendar month; and
- (9) Specifies that certain moneys shall be distributed pursuant to requirements of the hospital sustainability program special fund.

Your Committee received written comments in support of this measure from the Department of Human Services, Hawaii Primary Care Association, Kaiser Permanente Hawaii, Healthcare Association of Hawaii, The Queen's Health Systems, and Hawaii Pacific Health.

Your Committee finds that the hospital sustainability program has assisted the State in strengthening the healthcare system in Hawaii. Your Committee recognizes that hospitals face many challenges due to the coronavirus disease 2019 (COVID-19) pandemic. Your Committee notes that provider fees collected from hospitals can facilitate increases in Medicaid payments without imposing burdens on the State's budget and will assist hospitals to continue to serve uninsured and underinsured patients.

Your Committee has amended this measure by:

- (1) Changing the appropriation of moneys from the hospital sustainability program special fund from \$325,000,000 to an unspecified amount;
- (2) Changing the effective date to June 29, 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 H.B. No. 474, 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. 474, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1678 (Majority) Ways and Means on H.B. No. 499

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to extend certain commercial, industrial, resort, mixed-use, or government leases that have not been sold or assigned within the last ten years for lessees who commit to making substantial improvements to the existing improvements.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; Prince Kuhio Plaza; Pacific Resource Partnership; Stanford Carr Development, LLC; and two individuals.

Your Committee received written comments in opposition to this measure from the Office of Hawaiian Affairs, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Aloha Aina Party, Kupuna for the Moopuna, Native Hawaiian Legal Corporation, Ka Lahui Hawaii Komike Kalaiaina, Hawaii Alliance for Progressive Action, E Ola Kakou Hawaii, Waimanalo Civic Club, and numerous individuals

Your Committee finds that this measure will allow the State to retain long-term lessees who are committed to maintaining and improving public lands.

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. 499, 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. 499, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, 1 (Fevella). Excused, none.

SCRep. 1679 Ways and Means on H.B. No. 526

The purpose and intent of this measure is to increase efficiency and cost-effectiveness in public procurement.

More specifically, this measure:

- (1) Defines "past performance" with regard to contractors;
- (2) Requires procurement officers to consider specific factors, including past performance, when available;
- (3) Requires the State Procurement Office to establish and administer a past performance database; and
- (4) Appropriates moneys for the development, implementation, and training of certain procurement resources tools, including a past performance guide and past performance database.

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

Your Committee received written comments in opposition to this measure from the General Contractors Association of Hawaii.

Your Committee received written comments on this measure from the Department of Accounting and General Services and State Procurement Office.

Your Committee finds that, in the procurement process, considering a contractor's past performance and creating and maintaining a past performance database will help to address issues of repeated inefficiencies and substandard work.

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 H.B. No. 526, 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. 526, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1680 Ways and Means on H.B. No. 723

The purpose and intent of this measure is to address the demand for essential supplies to confront the coronavirus disease 2019 (COVID-19) pandemic.

Specifically, this measure amends Act 9, section 30, Session Laws of Hawaii 2020, to broaden the authorized use of federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) moneys to include the purchase and distribution of personal protective equipment and industrial hygiene products to state departments and attached agencies.

Your Committee received written comments in support of this measure from the Department of Education, Department of Defense, State Procurement Office, Hawaii Emergency Management Agency, Hawaii Office of Community Services, Hawaii Health Systems Corporation, and Hawaii Primary Care Association.

Your Committee finds that as the COVID-19 pandemic continues, demand remains high for personal protective equipment and industrial hygiene supplies.

Your Committee has amended this measure by:

- (1) Appropriating an unspecified sum of general funds for fiscal year 2021-2022 for the purchase of personal protective equipment and industrial hygiene supplies, instead of amending the appropriation of emergency and budget reserve fund moneys in Act 9, Session Laws of Hawaii 2020; 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 H.B. No. 723, 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. 723, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

SCRep. 1681 Judiciary on H.B. No. 1021

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or similar agreement for mutual assistance in the enforcement of wildlife laws.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Humane Society of the United States, Hawaiian Humane Society, Friends of Hanauma Bay, Hawaiia Reef and Oceanic Coalition, For the Fishes, and two individuals.

Your Committee finds that the Interstate Wildlife Violator Compact is a multistate agreement that promotes enforcement of hunting, fishing, trapping, and other wildlife-related regulations across jurisdictions by establishing a reciprocal process that enables local law enforcement to take enforcement action against nonresident wildlife law violators who can therefore be treated as state residents for enforcement purposes. Your Committee further finds that violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

Your Committee additionally finds that the Interstate Wildlife Violator Compact was created to promote compliance with the laws, regulations, ordinances, resolutions, and administrative rules that relate to the management of wildlife resources in the respective member states. Your Committee also finds that forty-eight states have passed legislation needed to join the Interstate Wildlife Violator Compact. This measure will enhance Hawaii's ability to protect and manage its wildlife resources by authorizing the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or a similar agreement.

Your Committee notes that this measure includes language granting immunity from civil liability for employees acting in the course and scope of their employment when enforcing the agreement. This is unnecessary as existing state law would generally apply in situations where an employee acting in the course and scope of employment causes injury or damages.

Your Committee has amended this measure by:

- (1) Deleting unnecessary language that would grant employees of the Department of Land and Natural Resources immunity, representation for defense, and indemnification from civil liability for damages resulting from an act or omission in administering or enforcing the Interstate Wildlife Violator Compact; 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. 1021, 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. 1021, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, none.

SCRep. 1682 (Joint/Majority) Judiciary and Ways and Means on H.B. No. 77

The purpose and intent of this measure is to exempt the sale of the leased fee interest in certain affordable leasehold developments by the Hawaii Housing Finance and Development Corporation from legislative approval.

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation. Your Committees received testimony in opposition to this measure from Kūpuna for the Moʻopuna. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that the process of obtaining legislative approval of the sale of the leased fee interest in state-owned land is a costly and burdensome process that can take over a full calendar year to be approved. This measure applies only to individual condominium units and house lots that are in developments built several decades ago. Your Committees note that this measure will require the Hawaii Housing Finance and Development Corporation to provide certain documentation to the Office of Hawaiian Affairs at least three months in advance of the sale. Accordingly, your Committees find that the units and lots should be exempt from legislative 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. 77, 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; Ayes with Reservations (Kim). Noes, 2 (Acasio, Fevella). Excused, none.

Ways and Means: Ayes, 9. Noes, 1 (Fevella). Excused, 1 (Moriwaki).

SCRep. 1683 Ways and Means on H.B. No. 1283

The purpose and intent of this measure is to require the employers of first responders to develop and provide dementia training for first responders.

More specifically, this measure:

- (1) Requires the employers of first responders to develop and provide dementia training for first responders, at no cost to the first responders;
- (2) Enumerates the required dementia training subject areas; and
- (3) Authorizes the Executive Office on Aging to set the standards and frequency for the dementia training and coordinate with all entities responsible for the services provided by first responders for the provision of the dementia training.

Your Committee received written comments in support of this measure from AARP Hawaii and ten individuals.

Your Committee received written comments in opposition to this measure from the Honolulu Police Department.

Your Committee received written comments on this measure from the Executive Office on Aging.

Your Committee finds that an estimated twenty-nine thousand persons in the State who are sixty-five years of age and older have been diagnosed as having Alzheimer's disease, with that number expected to reach thirty-five thousand by 2025. Accordingly, your Committee believes that it is appropriate and necessary for first responder personnel to be trained in interacting with persons having Alzheimer's disease and related types of dementia.

Your Committee has amended this measure by:

- Conforming the new material established in Section 2 of the measure with Part XVIII of Chapter 321, Hawaii Revised Statutes, by:
 - (A) Replacing the term "first responders" with the term "first responder personnel"; and
 - (B) Deleting the definition of "first responders";
- Permitting, rather than requiring, the employers of first responder personnel to obtain dementia training for first responder personnel;

- (3) Deleting a provision authorizing the Executive Office on Aging to set the standards and frequency for dementia training;
- (4) Clarifying that the Executive Office on Aging may coordinate the dementia training schedules and standards with all public and private entities and agencies responsible for services provided by first responder personnel;
- (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 H.B. No. 1283, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1283, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1684 Ways and Means on H.B. No. 919

The purpose and intent of this measure is to appropriate or authorize funds for fiscal biennium 2021-2023 for collective bargaining cost items for the members of collective bargaining unit (5), which consists of teachers and other personnel of the Department of Education under the same pay schedule, along with their excluded counterparts.

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

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (5) and the public employer are ongoing. Your Committee further finds that allowing this measure to continue to advance through the legislative process will provide a vehicle to appropriate or authorize funds if an agreement is reached or an arbitration award is issued before the end of the current legislative session.

Your Committee has amended this measure by 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 H.B. No. 919, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 919, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Shimabukuro).

SCRep. 1685 (Joint) Ways and Means and Judiciary on H.B. No. 826

The purpose and intent of this measure is to provide additional resources to the Department of the Attorney General to protect the public from the damages caused by using products that contain nicotine.

More specifically, this measure:

- (1) Authorizes the use of moneys in the tobacco enforcement special fund for all functions of the Department of the Attorney General;
- Expands the functions of the Electronic Smoking Device Retailer Registration Unit to include enforcement of laws that regulate the sale of electronic smoking devices;
- (3) Prohibits retailers from selling flavored tobacco products, mislabeling e-liquids containing nicotine, and selling tobacco products other than through in-person retail sales; and
- (4) Expands the definition of "tobacco product" to include e-liquid products and electronic smoking devices.

Your Committees received written comments in support of this measure from the Department of Health, Hawaii Primary Care Association, Hawaii State Teachers Association, Independent Schools, Hawaii Public Health Institute, Hawaii COPD Coalition, Adventist Health Castle, Hawaii Dental Association, Blue Zones Project, and twenty-one individuals.

Your Committees received written comments in opposition to this measure from the Attorney General; Hawaii Smokers Alliance; American Cancer Society Cancer Action Network; American Heart Association; Cigar Association of America, Inc.; AlohaCare; Retail Merchants of Hawaii, and eleven individuals.

Your Committees received written comments on this measure from the Department of Taxation, Department of Budget and Finance, Black Lava Vape, and Tobacco-Free Kids Action Fund.

Your Committees find that abolishing the Electronic Smoking Device Retailer Registration Unit will help to streamline the registration process for retailers who engage in the sale of electronic smoking devices and will help to reduce unnecessary government expenditures.

Your Committees have amended this measure by:

- (1) Deleting provisions that expanded the purposes for which moneys in the tobacco enforcement special fund may be used;
- (2) Abolishing the Electronic Smoking Device Retailer Registration Unit;
- (3) Clarifying that fines for the second or subsequent offenses for selling certain tobacco products shall be assessed only if the second or subsequent offense is committed within an unspecified time period after the first offense; 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 H.B. No. 826, 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. 826, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Judiciary: Ayes, 6; Ayes with Reservations (Acasio, Fevella). Noes, none. Excused, 1 (Lee).

SCRep. 1686 (Joint/Majority) Ways and Means and Judiciary on H.B. No. 469

The purpose and intent of this measure is to address the management of certain non-agricultural park lands under the control of the Department of Land and Natural Resources.

Specifically, this measure:

- (1) Establishes a mechanism for the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture;
- (2) Requires the Department of Land and Natural Resources and Department of Agriculture to meet every five years to determine additional lands that may be appropriate for transfer;
- (3) Requires the Department of Land and Natural Resources to report to the Legislature on its meetings with the Department of Agriculture; and
- (4) Authorizes the Board of Land and Natural Resources to amend and extend existing pasture or industrial leases and to issue new pasture or industrial leases by negotiation.

Your Committees received written comments in support of this measure from the Hawaii Aquaculture and Aquaponics Association and one individual.

Your Committees received written comments in opposition to this measure from Kapapala Ranch, Hawaii Meats LLC, Rocker G Livestock, and the Land Use Research Foundation of Hawaii.

Your Committees received written comments on this measure from the Department of Agriculture; Department of Land and Natural Resources; Local Food Coalition; Ulupono Initiative; Ulupalakua Ranch; Hawaii Cattlemen's Council; Larry Jefts Farms, LLC; Hawaii Farm Bureau; and Ponoholo Ranch Limited.

Your Committees find that many state pasture lessees have requested the Department of Land and Natural Resources to transfer their leases to the Department of Agriculture for management. Your Committees further find that the Department of Land and Natural Resources has not acted on some of these requests because of the high natural resource value of certain pasture lands, their proximity to forest reserves, or their importance in providing access to other public lands for hunting or public recreation purposes.

Your Committees have amended this measure by:

- (1) Amending provisions regarding the transfer and management of non-agricultural park lands to:
 - (A) Provide that the Department of Land and Natural Resources and Department of Agriculture shall identify by mutual agreement non-agricultural park lands under the jurisdiction of the Department of Land and Natural Resources and in agricultural use that should remain under the jurisdiction of the Department of Land and Natural Resources;
 - (B) Require that all other non-agricultural park lands under the jurisdiction of the Department of Land and Natural Resources that are in agricultural use and are not identified pursuant to subparagraph (A) be placed under the jurisdiction of the Department of Agriculture;
 - (C) Remove language requiring the transfer of non-agricultural park lands no later than December 31, 2023; and
 - (D) Require mutual agreement of the Department of Land and Natural Resources and Department of Agriculture on the determination of lands that may be appropriate for the Department of Land and Natural Resources to transfer to the Department of Agriculture beginning in the 2021-2022 fiscal year and no less than every fifth fiscal year thereafter;
- (2) Removing a provision that requires the Department of Land and Natural Resources to report to the Legislature on the rezoning of non-agricultural park lands that are not in use for the public purpose for which the lands were leased;
- (3) Removing provisions affecting the amendment and extension of industrial leases or the issuance of new industrial leases;
- (4) Removing provisions that would have amended compensation provisions for capital improvements to lands leased for intensive agricultural or pasture uses and limited the ability for the Department of Land and Natural Resources to withdraw land based on the increase of a lessee's cost of production;
- (5) Requiring, rather than authorizing, the Board of Land and Natural Resources to apply a lower rate of return on a pasture lease if warranted, after consideration of the public purpose served by the lease, use restrictions under the lease, and any obligation of the lessee to provide conservation or stewardship services; and
- (6) Making technical nonsubstantive changes for purposes of consistency, clarity, 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 H.B. No. 469, 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. 469, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 11. Noes, none. Excused, none.

Judiciary: Ayes, 5; Ayes with Reservations (Kim). Noes, 1 (Acasio). Excused, 1 (Lee).

SCRep. 1687 (Joint) Ways and Means and Judiciary on H.B. No. 313

The purpose and intent of this measure is to expand the use of funding received through the physician workforce assessment project to help the State recruit and retain qualified physicians.

More specifically, this measure:

- Repeals the requirement that no less than fifty percent of the assessment fees deposited into the John A. Burns School of Medicine special fund be used for purposes identified by the Hawaii Medical Education Council;
- (2) Repeals the monetary cap on expenditures from the John A. Burns School of Medicine special fund; and
- (3) Authorizes the John A. Burns School of Medicine to provide loan repayments to physicians who commit to working in medically underserved areas of the State and to provide scholarships for qualifying medical students.

Your Committees received written comments in support of this measure from the Department of Labor and Industrial Relations, Hawaii State Rural Health Association, Hawaii Pacific Health, Hawaii Primary Care Association, The Queen's Health Systems, University of Hawaii, and Hawaii Medical Association.

Your Committees received written comments on this measure from the Hawaii Medical Board.

Your Committees find that the loan repayments and scholarships facilitated by this measure will provide incentives for future physicians to practice in Hawaii.

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 H.B. No. 313, H.D. 2, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8. Noes, none. Excused, 3 (Moriwaki, Shimabukuro, Fevella).

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1688 (Joint) Ways and Means and Judiciary on H.B. No. 513

The purpose and intent of this measure is to dissolve the State Capitol Management Committee that was established pursuant to Act 97, Session Laws of Hawaii 2014, for the purpose of overseeing and managing the State Capitol and its grounds and facilities.

Your Committees received written comments in support of this measure from the Department of Accounting and General Services.

Your Committees find that the State Capitol Management Committee has not convened subsequent to September 2018, the date of the most recent meeting for which there is a record of published minutes. Your Committees further find that, since that time, the Department of Accounting and General Services has continued to operate and maintain the State Capitol through ongoing projects and operations, including deferred maintenance projects. Your Committees note that the measure specifies that all policies and procedures established by the management committee shall remain in full force and effect until amended or repealed by the Department of Accounting and General Services, Governor, Senate, or House of Representatives, as applicable. Your Committees believe that the dissolution of the management committee will allow time and resources to be more effectively directed toward other efforts that require attention.

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 H.B. No. 513, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9; Ayes with Reservations (Taniguchi, Fevella). Noes, none. Excused, 2 (Moriwaki, Shimabukuro). Judiciary: Ayes, 7; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, none.

SCRep. 1689 (Joint) Ways and Means and Judiciary on H.B. No. 1067

The purpose and intent of this measure is to allow the President of the University of Hawaii to continue to act as the University's chief procurement officer for all procurement contracts under Chapter 103D, Hawaii Revised Statutes.

Specifically, this measure extends the sunset provision in Act 42, Session Laws of Hawaii 2018, from June 30, 2021, to June 30, 2024.

Your Committees received written comments in support of this measure from the University of Hawaii, Hawaii Construction Alliance, Hawaii Laborers & Employers Cooperation and Education Trust Fund, Hawaii Laborers' Union Local 368, and General Contractors Association of Hawaii

Your Committees received written comments on this measure from Pacific Resource Partnership.

Your Committees find that Act 42, Session Laws of Hawaii 2018, which was enacted to allow the University of Hawaii to fully administer its own procurement, is scheduled to be repealed on June 30, 2021. Your Committees further find that this measure would extend that repeal date and allow the President of the University of Hawaii to act as the chief procurement officer for all procurements made by the University until June 30, 2024.

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 H.B. No. 1067, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro).

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1690 (Joint) Ways and Means and Judiciary on H.B. No. 244

The purpose and intent of this measure is to clarify the data requirements for land recordation by the Bureau of Conveyances regarding land other than fee simple time share interests deregistered by the Land Court.

More specifically, the measure requires the inclusion of a plan of the parcel or parcels sought to be deregistered that includes a map and description prepared by a licensed professional surveyor, in accordance with specified statutory requirements.

Your Committees received written comments in support of this measure from the Hawaii Land Surveyors Association, Wes Thomas Associates, and ten individuals.

Your Committees find that the inclusion of additional parcel information, as required by this measure, will establish a clear standard for the mapping and describing of designated lands and thus help to ensure the overall accuracy of land deregistrations processed by the Bureau of Conveyances.

Your Committees have amended this measure by 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 H.B. No. 244, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 244, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8. Noes, none. Excused, 3 (Moriwaki, Shimabukuro, Fevella).

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1691 (Joint) Ways and Means and Judiciary on H.B. No. 1081

The purpose and intent of this measure is to require the Department of Transportation to maintain, and each county's transportation department to create and maintain, a priority list of sidewalk installation and pedestrian improvement projects.

Your Committees received written comments in support of this measure from the Department of Transportation, the Democratic Party of Hawaii, and two individuals.

Your Committees find that this measure will help to improve the State's pedestrian network and the general safety and efficiency of the State's transportation infrastructure.

Your Committees have amended this measure by 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 H.B. No. 1081, 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. 1081, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro).

Judiciary: Ayes, 7. Noes, none. Excused, none.

SCRep. 1692 (Joint) Ways and Means and Judiciary on H.B. No. 1192

The purpose and intent of this measure is to establish a small dollar installment loan program that offers appropriate consumer protections.

More specifically, this measure:

- (1) Establishes a framework and licensing system for an installment loan program; and
- $(2) \quad \text{Repeals the statutory authorization for deferred deposit transactions in the State on January 1, 2022.}$

Your Committees received written comments in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committees received written comments in opposition to this measure from Dollar Financial Group.

Your Committees received written comments on this measure from the Hawaii Financial Services Association.

Your Committees find that consumer protections provided by this measure will ensure that borrowers may obtain loans on reasonable terms, avoid harmful lending practices, and meet basic living expenses.

Your Committees have amended this measure by:

(1) Amending the definition of "interest", as suggested in testimony from the Department of Commerce and Consumer Affairs, so that the definition is consistent with the definition used in other states that regulate similar installment loan businesses;

- (2) Including clarifying language regarding the annual renewal fees for installment lenders, as also suggested in testimony from the Department of Commerce and Consumer Affairs;
- (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 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 H.B. No. 1192, 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. 1192, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro).

Judiciary: Ayes, 7; Ayes with Reservations (Acasio). Noes, none. Excused, none.

SCRep. 1693 (Joint) Ways and Means and Judiciary on H.B. No. 1281

The purpose and intent of this measure is to facilitate the provision of emergency medical services within a county having a population of five hundred thousand or more.

More specifically, the measure:

- (1) Establishes, beginning on July 1, 2021, a three-year transfer of certain duties, functions, and powers relating to emergency medical services for the City and County of Honolulu from the Department of Health to the City and County of Honolulu;
- (2) Appropriates general funds to the City and County of Honolulu for emergency medical services for fiscal years 2021-2022 and 2022-2023:
- (3) Appropriates moneys in the emergency medical services special fund to the City and County of Honolulu for fiscal years 2021-2022 and 2022-2023; and
- (4) Phases out funding from general revenues for emergency medical services in the City and County of Honolulu before July 1, 2024.

Your Committees received written comments in support of this measure from the Department of Health and Hawaii Medical Service Association.

Your Committees received written comments on this measure from the Emergency Services Department, City and County of Honolulu; and United Public Workers, AFSCME Local 646.

Your Committees find that under current practice, the counties negotiate most of the costs for emergency medical services and the State pays those costs, which now exceed \$100,000,000 statewide. Accordingly, your Committees find it appropriate for the State to pursue a cost-sharing model, between the State and each county having a population of five hundred thousand or more, for emergency medical services.

Your Committees have amended this measure by:

- (1) Clarifying that individuals acting as dispatchers in the State as of the effective date of the measure shall obtain emergency medical dispatch certification by July 1, 2026, and shall maintain certification thereafter;
- (2) Amending section 321-234(b), Hawaii Revised Statutes, to codify the annual fiscal year distribution of \$3,500,000 from the emergency medical services special fund to a county operating a county emergency medical services system established pursuant to the measure, effective July 1, 2021;
- (3) Clarifying the timing of and correcting a reference to the duration of the transition of certain rights, powers, functions, and duties from the Department of Health to the City and County of Honolulu;
- (4) Clarifying the amounts, distribution, and purpose of funds allocated to the City and County of Honolulu for the purposes of the foregoing transition; 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 H.B. No. 1281, 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. 1281, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro). Judiciary: Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 1694 (Joint/Majority) Ways and Means and Judiciary on H.B. No. 1311

The purpose and intent of this measure is to repeal the deadline for the completion of the Leialii affordable housing project.

More specifically, this measure:

 Amends Act 98, Session Laws of Hawaii 2019, to repeal the 2022 deadline for the completion of the Leialii affordable housing project and the April 30, 2020, deadline for the project to obtain necessary land use entitlements; and (2) Clarifies that the developer of the Keawe Street apartments housing project is responsible for all costs associated with the archaeological inventory survey for the footprint of the housing project, but not responsible for the cost of the archaeological inventory survey for the entire Villages of Leialii master planned community.

Your Committees received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation, Maui County Mayor's Office, a member of the Maui County Council, and Neighborhood Place of Puna.

Your Committees find that Act 98, Session Laws of Hawaii 2019, requires that the Leialii affordable housing project be completed by 2022. However, your Committees also find that the Hawaii Housing Finance and Development Corporation was recently made aware that a new archaeological inventory survey is required for the entire Villages of the Leialii Master Planned Community, thus delaying the completion of the Leialii affordable housing project beyond 2022. Accordingly, your Committees believe that this measure is necessary to ensure the eventual completion of the Leialii affordable housing project.

Your Committees have amended this measure by:

- (1) Deleting a reference in the purpose section to a provision that would specifically allow the Hawaii Housing Finance and Development Corporation to address Chapter 6E, Hawaii Revised Statutes, relating to historic preservation, to reflect that this substantive provision was deleted from the measure by a prior committee;
- (2) Changing the appropriation from \$37,000,000 to an unspecified amount to facilitate further discussion on the measure; and
- (3) 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 H.B. No. 1311, 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. 1311, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 9. Noes, 1 (Fevella). Excused, 1 (English). Judiciary: Ayes, 6. Noes, 1 (Fevella). Excused, none.

SCRep. 1695 Ways and Means on H.B. No. 204

The purpose and intent of this measure is to appropriate funds for the operating expenses of the Office of Hawaiian Affairs (OHA).

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 2, which amends this measure by:

- Inserting trust fund and position ceiling amounts for the Office of Hawaiian Affairs' Office of the Trustees, Administration, and Beneficiary Advocacy operating budgets for fiscal years 2021-2022 and 2022-2023;
- (2) Inserting a general fund amount of \$2,054,000 for the Beneficiary Advocacy operating budget for fiscal years 2021-2022 and 2022-2023:
- (3) Inserting an appropriation amount of \$500,000 in general funds for fiscal year 2021-2022 and the same sum for fiscal year 2022-2023 for Office of Hawaiian Affairs beneficiaries for occupancy ready housing needs;
- (4) Inserting an appropriation amount of \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 for referral services and case management to at-risk Office of Hawaiian Affairs beneficiaries for financial assistance to improve stability during emergency situations;
- (5) Inserting an appropriation amount of \$615,000 in general funds and \$615,000 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 for educational improvement programs for native Hawaiian students; and
- (6) Inserting an appropriation amount of \$524,400 in general funds and \$524,400 in trust funds for fiscal year 2021-2022 and the same sums for fiscal year 2022-2023 to provide for legal services and legal representation to Office of Hawaiian Affairs beneficiaries.

Your Committee received testimony in support of the proposed S.D. 2 from the Office of Hawaiian Affairs.

Your Committee finds that the Office of Hawaiian Affairs is a semi-autonomous state agency, established by article XII, section 4 and article XI, section 5, of the Hawaii State Constitution and chapter 10, Hawaii Revised Statutes, that is responsible for improving the well-being of native Hawaiians. This measure appropriates funds for the Office of Hawaiian Affairs' operating budget in support of plans for the upcoming biennium and is vital to fulfilling the mandates of the Office of Hawaiian Affairs.

Your Committee has amended this measure by adopting the proposed S.D. 2 and further amending this measure by:

- (1) Increasing the general fund amount for the Beneficiary Advocacy operating budget for fiscal years 2021-2022 and 2022-2023 from \$2,054,000 to \$2,254,000;
- (2) Amending section 8 of Act 37, Session Laws of Hawaii 2019, to provide that general funds appropriated to the Office of Hawaiian Affairs for fiscal year 2020-2021 by part II of Act 37 shall not be released until after the CLA OHA & LLCs Contract and Disbursement Review Report, dated December 4, 2019, is received by the Legislature, retroactive to June 30, 2021.
- (3) Providing that the general funds appropriated to the Office of Hawaiian Affairs for fiscal year 2020-2021 by part II of Act 37, Session Laws of Hawaii 2019, shall not lapse until June 30, 2022, retroactive to June 30, 2021;

- (4) Appropriating \$200,000 of the general funds appropriated to OHA175 for fiscal year 2021-2022 for the Office of Hawaiian Affairs to conduct or contract for a follow-up contract and disbursement review of the CLA – OHA & LLCs Contract and Disbursement Review – Report, dated December 4, 2019; 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 Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 204, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 204, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1696 Ways and Means on H.B. No. 185

The purpose and intent of this measure is to appropriate funds for the Judiciary for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023.

Your Committee received testimony in support of this measure from the Judiciary; Office of the Public Defender; Hawai'i State Bar Association; Kauai Bar Association; Hawai'i County Bar Association; Family Law Section of the Hawai'i State Bar Association; Appellate Section of the Hawai'i State Bar Association; Environment, Energy, and Resources Section of the Hawai'i State Bar Association; McKeon Sheldon Mehling, LLLC; and two individuals.

Your Committee finds that the appropriations made by this measure are intended to assist the Judiciary in its efforts to fulfill its constitutional and statutory duties for the 2021-2023 fiscal biennium.

Your Committee further finds that the Judiciary requested a capital improvement budget that totaled:

JUDICIARY	FY 2022	FY 2023
General Obligation Bonds	\$22,016,000	\$18,605,000

Your Committee has amended the budget to appropriate the following in capital improvement funds:

SENATE	FY 2022	FY 2023
General Obligation Bonds	\$14,726,000	\$2,200,000
American Rescue Plan Funds	\$1,520,000	\$2,520,000
All Means of Financing	\$16,246,000	\$4,720,000

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. 185, 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. 185, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1697 Ways and Means on H.B. No. 243

The purpose and intent of this measure is to improve the State's adaptation to climate change and sea level rise.

More specifically, this measure:

- (1) Requires each state department to:
 - (A) Identify existing and planned facilities that are vulnerable to sea level rise, flooding impacts, and natural hazards;
 - (B) Assess a range of options for mitigating impacts of sea level rise to existing and planned facilities;
 - (C) Establish within each executive department staff level points of contact having relevant experience to build internal capacity and work with staff from the Office of Planning and Hawaii Climate Change Mitigation and Adaptation Commission to improve interagency coordination for sea level rise adaptation, flooding, and resilience; and
 - (D) Submit annual reports to the Governor, Legislature, Office of Planning, and Hawaii Climate Change Mitigation and Adaptation Commission regarding the vulnerability and adaptation assessments for its facilities and progress made toward implementing sea level rise and disaster resiliency considerations; and
- (2) Establishes planning and implementing considerations, policies, and practices related to disaster resilience and climate adaptation as a function of statewide concern.

Your Committee received written comments in support of this measure from the Hawaii Climate Change Mitigation and Adaptation Commission, Sierra Club of Hawaii, Hawaii Reef Ocean Coalition, and five individuals.

Your Committee received written comments on this measure from the Office of Planning.

Your Committee finds that state agencies having operational responsibilities over state facilities must plan, coordinate, and act to adapt to climate change and sea level rise and to ensure the State's sustainable and resilient future.

Your Committee has amended this measure by:

(1) Requiring the Office of Planning, in coordination with each state agency having operational responsibilities over state facilities, to: identify existing and planned facilities that are vulnerable to sea level rise, flooding impacts, and natural hazards; assess a range of options to mitigate the impacts of sea level rise to those facilities; and submit annual reports regarding

vulnerability and mitigation assessments for those facilities and the progress made in implementing sea level rise adaptation in future plans, programs, and capital improvement needs and decisions;

- (2) Removing provisions requiring state departments to establish staff level points of contact having relevant experience to build internal capacity and work with staff from the Office of Planning and Hawaii Climate Change Mitigation and Adaptation Commission to improve interagency coordination for sea level rise adaptation, flooding, and resilience; and
- (3) Amending the Hawaii State Planning Act to include sustainable development, climate change adaptation, and sea level rise adaptation as objectives for facility systems.

As affirmed by the record of votes of the members 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. 243, 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. 243, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1698 Ways and Means on H.B. No. 424

The purpose and intent of this measure is to reduce the State's carbon footprint.

More specifically, this measure requires all state agencies to adopt a preference for an electric vehicle or hybrid vehicle when renting a motor vehicle for a state employee to conduct official government business.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office, Office of Economic Development of the County of Kauai, Hawaii Electric Vehicle Association, Big Island EV Association, Sustainable Energy Hawaii, Hawaiian Electric Company, Climate Protectors Hawaii'i, 350Hawaii, Our Revolution Hawaii, and two individuals.

Your Committee received written comments on this measure from Enterprise Holdings.

Your Committee finds that electric vehicles will play an increasingly important role in Hawaii's clean energy future and in meeting the goals set for the State for reducing greenhouse gas emissions. Your Committee further finds that electric vehicles benefit air quality by eliminating exhaust emissions from vehicles powered by internal combustion engines fueled by gasoline or diesel fuel.

As affirmed by the record of votes of the members 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. 424, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 1 (Taniguchi).

SCRep. 1699 Ways and Means on H.B. No. 515

The purpose and intent of this measure is to require the Auditor to audit the Department of Education's School Food Services Branch to determine the amount of local produce that is currently purchased and served to students.

Your Committee received testimony in support of this measure from two individuals.

Prior to the hearing on this measure, your Committee made available for public review a proposed Senate Draft No. 2 (Proposed Draft) of this measure. The Proposed Draft amends the measure by:

- (1) Designating the existing substantive provisions of the measure as part I;
- (2) Inserting a new part II to the measure, which incorporates the substantive provisions of S.B. No. 76, S.D. 2, which, with respect to the position of the Superintendent of Education:
 - (A) Requires the Board of Education to prioritize for the position those candidates having a minimum qualification of ten years of employment in a department of education, including no less than five years serving as a principal or in a higher-level position; and
 - (B) Specifies that a working understanding of the State's tri-level systems of educational administration shall be a desired qualification for a candidate for the position; and
- (3) Making technical amendments.

Your Committee received testimony in support of part I of the Proposed Draft from the Hawaii Farm Bureau and Ulupono Initiative.

Your Committee received testimony in opposition to the Proposed Draft from the Board of Education.

Your Committee received comments on the Proposed Draft from the Department of Education.

Your Committee finds that more locally sourced foods should be served in the Department of Education's school meal programs. Your Committee believes that requiring the Auditor to determine a baseline will assist the Department in achieving this goal.

Your Committee also finds that because Hawaii has a statewide public education system, unlike other states, the Department of Education should be led by an official having relevant qualifications and experience within tri-level systems of educational administration.

Your Committee has amended this measure by adopting the Proposed Draft and 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. 515, 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. 515, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1700 Ways and Means on H.B. No. 546

The purpose and intent of this measure is to amend the organizational structure of the Department of Education.

More specifically, this measure:

- (1) Requires public school complex area superintendents to report directly to the Superintendent of Education; and
- (2) Appropriates funds for the Department of Education.

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 Hawaii Government Employees Association.

Your Committee received written comments on this measure from the Department of Education and one individual.

Your Committee finds that this measure will streamline communication between complex area superintendents and the Superintendent of Education.

Your Committee has amended this measure by adding a new part that redistributes certain moneys and positions that are subject to budget and position reductions made to the Department of Education in the General Appropriations Act. Specifically, these amendments statutorily establish a reorganization, which is informed by a 2015 organizational chart by the Department of Education, to redeploy:

- (1) Of the fifty-five permanent full-time equivalent (55.0 FTE) positions and eight temporary full-time equivalent (8.0 FTE) positions being eliminated from the Office of Strategy, Innovation, and Performance, thirty-seven permanent full-time equivalent (37.0 FTE) positions and four temporary full-time equivalent (4.0 FTE) positions are redeployed pursuant to part II of this measure;
- (2) Of the one hundred sixty-one permanent full-time equivalent (161.0 FTE) positions and one temporary full-time equivalent (1.0 FTE) position being eliminated from the Office of Information Technology Services, one hundred forty-three full-time equivalent (143.0 FTE) positions are redeployed pursuant to part II of this measure; and
- (3) Of the nineteen permanent full-time equivalent (19.0 FTE) equity specialist II positions from the Civil Rights Compliance Branch of the Office of Talent Management, nineteen permanent full-time equivalent (19.0 FTE) equity specialist II positions are redeployed pursuant to part II of this measure.

Your Committee notes that the following organizational chart graphically depicts how the affected positions will be deployed under the reorganization*:

As affirmed by the record of votes of the members 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. 546, 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. 546, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro).

SCRep. 1701 Ways and Means on H.B. No. 558

The purpose and intent of this measure is to strengthen the Hawaii Green Infrastructure Authority's ability to support investment in clean energy technology by providing low-cost loan financing to eligible public, private, and nonprofit borrowers for clean energy investments or other authorized uses.

More specifically, the measure:

- (1) Creates within the Hawaii green infrastructure special fund the clean energy and energy efficiency revolving loan fund to be administered by the Hawaii Green Infrastructure Authority;
- (2) Expands the purpose of the \$50,000,000 revolving sub-fund extant within the Hawaii green infrastructure special fund to allow state agencies to finance the purchase of clean energy equipment under existing power purchase agreements and obtain electric vehicles and electric vehicle charging systems;
- (3) Repeals the building energy efficiency revolving loan fund; and
- (4) Appropriates unspecified amounts from the clean energy and energy efficiency revolving loan fund to make loans for clean energy investments or other authorized uses.

Your Committee received written comments in support of this measure from the Hawaii Green Infrastructure Authority; Hawaii State Energy Office; Office of Climate Change, Sustainability, and Resiliency of the City and County of Honolulu; Office of Economic Development of the County of Kauai; Environmental Caucus of the Democratic Party of Hawaii; Blue Planet Foundation; Climate Protectors Hawaii; 350Hawaii; Sustainable Energy Hawaii; Hawaii EV Association; Big Island EV Association; and three individuals.

^{*} The chart is identified as "ATTACHMENT A" to this section.

Your Committee received written comments on this measure from the Hawaii Public Utilities Commission; Department of Budget and Finance; and Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs.

Your Committee finds that the creation of a clean energy and energy efficiency revolving loan fund program provides a means for state agencies, among other public and private entities, to obtain affordable financing for the implementation of clean energy technologies. Your Committee further finds that implementation and expansion of clean energy technology use will allow these agencies to realize cost savings on utility expenses, thereby advancing the State's clean energy and sustainability goals while coping with budgetary constraints stemming from the coronavirus disease 2019 pandemic and resulting economic harm.

Your Committee has amended this measure by:

- Clarifying that the Hawaii Green Infrastructure Authority shall administer the clean energy and energy efficiency revolving loan fund as a revolving line of credit;
- (2) Requiring, rather than authorizing, the Hawaii Green Infrastructure Authority to conduct certain enumerated activities in the performance of its duty to administer the clean energy and energy efficiency revolving loan fund, and specifying that in doing so, the Authority shall effectuate the purposes of Part IV of Chapter 196, Hawaii Revised Statutes, which pertains to green infrastructure loans:
- (3) Clarifying that green infrastructure loans may be used to finance any of, as opposed to all of, the following: options to purchase solar photovoltaic systems and other clean energy equipment; the purchase or lease of electric vehicles; and the installation of electric vehicle charging systems;
- (4) Moving the substance of the definitions of "limited liability company", "option to purchase", and "special purpose entity" from the measure's definitional section to other substantive provisions of 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 H.B. No. 558, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 558, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Taniguchi).

SCRep. 1702 Ways and Means on H.B. No. 541

The purpose and intent of this measure is to improve the delivery, funding, and evaluation of health care in the State.

More specifically, the measure, as received by your Committee:

- (1) Establishes a working group within the Department of Health to identify gaps in services, coordinate funding sources, and establish and identify outcome measures for behavioral health, substance abuse, and homelessness; and
- (2) Requires the working group to submit a report to the 2022 Legislature.

For the purposes of a public hearing, your Committee circulated a proposed S.D. 2 (Proposed Draft) of the measure, and notified the public that your Committee would be accepting testimony on the Proposed Draft, which includes all of the provisions of the S.D. 1 and contains the following additional provisions:

- (1) Appropriates \$4,780,880 on an emergency basis for payroll and other expenses to address the budget shortfall affecting the state comprehensive emergency medical services system; and
- (2) Requires the Department of Commerce and Consumer Affairs to create an additional licensure category for emergency medical technicians certified by the National Registry of Emergency Medical Technicians at a higher level of practice than emergency medical responders but who do not provide emergency ambulance services.

Your Committee received testimony in support of the Proposed Draft from the Department of Health, State Fire Council, Honolulu Fire Department, Maui Fire Department, Maui County Paramedics Association, AMR, Hawaii Substance Abuse Coalition, The Salvation Army, American Medical Response Kauai, and numerous individuals.

Your Committee received testimony in opposition to the Proposed Draft from two individuals.

Your Committee received comments on the Proposed Draft from the Department of Human Services, Office of Hawaiian Affairs, Department of the Attorney General, Hawaii Medical Board, Catholic Charities Hawaii, PHOCUSED, and two individuals.

Your Committee finds that the additional licensure category addressed in Part III of the measure recognizes that emergency personnel such as firefighters are not tasked with providing emergency transportation but are qualified to assist patients at the site of the emergency as well as in the ambulance during the transport of critical patients to medical facilities.

Your Committee notes that there were discussions regarding the additional licensure category, and the Hawaii Medical Board suggested that instead of being required to establish a new license, the Department of Commerce and Consumer Affairs should be required to examine the possibility of creating a new licensure category, including issues relating to scope of practice, qualifications for licensure, and necessary personnel and funding. However, your Committee believes that establishing an additional licensure category will better align the actual scope of practice of the State's emergency responders with national standards as set by the National Registry of Emergency Medical Technicians, which is the main certifying organization for emergency responders in most states.

Your Committee has amended this measure by adopting the Proposed Draft with the following further amendments:

- (1) Clarifying that the services referenced in Part I of the measure are services to persons experiencing behavioral health or substance abuse conditions, and resultant consequences, including homelessness;
- (2) Clarifying that the additional category for emergency medical technicians in Part III of the measure refers to a "certification" instead of a "license," to more accurately reflect the language of Title 16, Chapter 85, Subchapter 7, Hawaii Administrative Rules:
- (3) Making a technical amendment to the description of the membership of the working group to more accurately reflect the organizational structure of 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 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. 541, 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. 541, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1703 Ways and Means on H.B. No. 552

The purpose and intent of this measure is to promote the use of renewable energies and green infrastructure in the State.

More specifically, this measure:

- (1) Establishes procurement policy requirements for medium- and heavy-duty motor vehicles;
- (2) Establishes clean ground transportation goals;
- (3) Authorizes state and county agencies to include trees and plants having lifespans longer than twenty years as a part of the agencies' capital improvement projects;
- (4) Requires the Department of Accounting and General Services to require that all new light-duty passenger vehicles purchased for the State's vehicle fleets be zero-emission vehicles;
- (5) Permits the Department of Accounting and General Services to authorize an exemption to this requirement for the procurement of new fleet vehicles if certain conditions are met;
- (6) Amends certain definitions in Chapter 37, Hawaii Revised Statutes, relating to the executive budget to allow for the inclusion of costs related to green infrastructure in capital improvement costs;
- (7) Establishes clean ground transportation goals relating to the procurement of light-duty motor vehicles;
- (8) Provides for electric vehicle charging and clean ground transportation goals in the State's planning and budget preparation and program implementation goals; and
- (9) Requires the Chief Energy Officer to lead efforts to incorporate energy efficiency, renewable energy, energy resilience, and clean transportation to reduce costs and achieve clean energy goals across all public facilities.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office, Office of Planning, 350Hawaii, Alliance for Automotive Innovation, Big Island EV Association, Blue Planet Foundation, Climate Protectors Hawaii, Democratic Party of Hawaii, Environmental Caucus of the Democratic Party, Hawaii EV Association, KauaiEV, Sustainable Energy Hawaii, Ulupono Initiative, and eight individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance and State Procurement Office.

Your Committee finds that this measure will help to reduce greenhouse gas emissions through the reduction of energy use, adoption of policies that emphasize the use of renewable energy, and control of air pollution throughout the State's government and industries.

Your Committee has amended this measure by:

- Deleting a provision that added a new section to Chapter 103D, Hawaii Revised Statutes, to establish requirements for the
 procurement of medium- and heavy-duty motor vehicles that are separate from the procurement requirements related to lightduty motor vehicles;
- (2) Replacing a reference to the term "State's energy goals" with "State's decarbonization and sustainability goals" as those terms relate to each state and county agency's ability to include certain trees and plants as part of the agency's capital improvement projects;
- (3) Amending the definition of "green infrastructure" in section 37-62, Hawaii Revised Statutes, to clarify that the term includes measures that use plant, tree, or soil systems; permeable pavement or other permeable surfaces or substrates; stormwater harvest and reuse; or landscaping to store, infiltrate, or evapotranspirate water; and
- (4) Amending section 103D-412, Hawaii Revised Statutes, to:
 - (A) Increase the scope of the section to include medium- and heavy-duty motor vehicles;

- (B) Delete a provision requiring agencies purchasing or leasing light-, medium-, and heavy-duty motor vehicles to meet certain clean ground transportation goals;
- (C) Repeal electric vehicles and fuel cell electric vehicles from the list of priority vehicles; and
- (D) Add zero-emission vehicles to the list of priority vehicles;
- (5) Updating and inserting various definitions in sections 26-6 and 103D-412, Hawaii Revised Statutes, to conform to federal regulations; 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 H.B. No. 552, 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. 552, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (Taniguchi).

SCRep. 1704 Ways and Means on H.B. No. 613

The purpose and intent of this measure is to make an emergency appropriation to offset certain education-related budget reductions.

More specifically, this measure:

- (1) Appropriates moneys out of the Elementary and Secondary School Emergency Relief Fund moneys received from the federal government pursuant to the Coronavirus Aid, Relief, and Economic Security Act and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, for fiscal years 2020-2021, 2021-2022, and 2022-2023 to offset any budget reductions that are identified or proposed by the Department of Education and Governor and that would result in the reduction of certain personnel;
- (2) Prohibits the use of any appropriated moneys for any purposes not authorized in this measure;
- (3) Requires the Board of Education and Superintendent of Education to certify in writing that:
 - (A) The Board, Superintendent, and Department of Education agree to certain conditions; and
 - (B) The moneys shall only be expended for salaries and wages of certain Department of Education officers and employees;
- (4) Exempts the appropriated moneys from section 37-41.5, Hawaii Revised Statutes, which permits the Department of Education to retain up to five percent of any appropriation.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association, HE'E Coalition, and two individuals.

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 Board of Education, Department of Budget and Finance, and Department of Education.

Your Committee finds that classroom teachers and school staff have considerable influence and impact on the lives of students, and that students significantly benefit from quality in classroom instruction. Your Committee believes that the appropriations made in this measure are necessary to maintain quality instruction at the school level.

Your Committee has amended this measure by:

- (1) Correcting a reference to sections 315 and 317 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021;
- (2) Deleting a provision that addressed the date by which moneys appropriated pursuant to part II of this measure shall lapse, in order to clarify that any unencumbered moneys appropriated for fiscal year 2020-2021 shall lapse on June 30, 2021;
- (3) Changing the appropriations for fiscal years 2021-2022 and 2022-2023 from \$104,175,932 to an unspecified amount;
- (4) Clarifying that the Department of Education employees whose salaries and wages shall be paid by the moneys appropriated pursuant to part III of this measure are limited to those employees who are employed at the school level in the classroom;
- (5) Changing the effective date for part II of the measure to May 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 H.B. No. 613, 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. 613, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 1 (English).

SCRep. 1705 Ways and Means on H.B. No. 766

The purpose and intent of this measure is to authorize the Department of Transportation to assess, impose, levy, and collect impact fees for capital costs relating to the development of state highway improvements if the department determines that certain privately-owned roadways are a substantial danger to public health and safety.

Prior to the hearing on this measure, your Committee prepared and made available for public review a proposed S.D. 2, which amends the S.D. 1 by replacing its content with provisions that amend Act 30, Session Laws of Hawaii 2020, to increase the funding appropriated from the state highway fund to establish the photo red light imaging detector systems pilot program.

Your Committee received written comments in support of the S.D. 1 from one individual.

Your Committee received written comments in support of the Proposed Draft from the Department of Transportation.

Your Committee finds that the photo red light imaging detector systems supported by this measure will help reduce motor vehicle accidents and fatalities by identifying and deterring drivers who run red lights.

Your Committee has amended this measure by adopting the proposed S.D. 2 and further amending it by:

- Changing the sums appropriated out of the state highway fund and photo red light imaging detector systems special fund from \$2,000,000 for fiscal year 2021-2022, to:
 - (A) \$2,000,000 for fiscal year 2020-2021;
 - (B) \$400,000 for fiscal year 2021-2022; and
 - (C) \$400,000 for fiscal year 2022-2023;
- (2) Requiring the Department of Transportation to expend \$112,602 in fiscal years 2021-2022, 2022-2023, and 2023-2024, rather than fiscal years 2020-2021 and 2021-2022;
- (3) Providing that the amounts appropriated for fiscal year 2020-2021 for the photo red light detector systems pilot program that are unexpended and unencumbered on June 30, 2022, shall lapse to the credit of the photo red light imaging detector systems special fund; 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 H.B. No. 766, 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. 766, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1706 (Joint/Majority) Ways and Means and Judiciary on H.B. No. 1022

The purpose and intent of this measure is to facilitate the timely enforcement of laws and rules intended to protect and conserve the State's natural resources.

More specifically, the measure:

- (1) Allows officers of the Division of Conservation and Resources Enforcement, Department of Land and Natural Resources, upon reasonable belief that a person is or was recently engaged in hunting or fishing, to briefly detain that person as necessary to review any relevant licenses, permits, or related documents and inspect any wildlife or aquatic life in that person's possession:
- (2) Specifies conditions under which the detentions and inspections may take place; and
- (3) Specifies applicable administrative fines for violations.

Your Committees received written comments in support of this measure from the Department of Land and Natural Resources, Kuaaina Ulu Auamo, The Nature Conservancy Hawaii, Ohana Association, Malama Pupukea-Waimea, Hawaii Reef and Ocean Coalition, Clean The Pacific, Center for Biological Diversity, Surfrider Foundation, and six individuals.

Your Committees received written comments in opposition to this measure from one individual.

Your Committees received written comments on this measure from the Office of Hawaiian Affairs and one individual.

Your Committees note that the brief detentions and administrative inspections authorized by this measure are limited in purpose and scope and must adhere to certain specified conditions, such as close proximity in time and place to the taking of game or aquatic resources. Your Committees further note that the measure limits penalties to only civil administrative fines and that a cited individual would be afforded due process throughout the citation and appeal process, according to written comments received from the Department of Land and Natural Resources. Your Committees find that the State has a special interest in enforcing laws and rules that help to protect and conserve the State's unique combination of wildlife, aquatic life, and other natural resources. Further, your Committees find that providing Department of Land and Natural Resources enforcement officers with the ability to conduct inspections with greater immediacy than currently authorized under state law will increase the likelihood that illicitly obtained wildlife and aquatic life may survive a return to the natural environment, if feasible, or be recovered for economic value.

Your Committees have amended this measure by:

- Clarifying that applicable administrative fines may be imposed on individuals who refuse to comply with inspection requests
 made by conservation and resources enforcement officers, and are to be imposed in addition to any other applicable penalties;
- (2) Specifying that the administrative fines shall not apply to persons engaged in the proper and lawful exercise of traditional and customary Native Hawaiian rights for subsistence, religious, or cultural purposes;
- (3) Providing that items, natural resources, or other evidence obtained through an administrative inspection may be used to pursue any civil and administrative penalties that are authorized by law; 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 H.B. No. 1022, 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. 1022, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees. Ways and Means: Ayes, 8. Noes, 1 (Fevella). Excused, 2 (Moriwaki, Shimabukuro). Judiciary: Ayes, 5. Noes, 2 (Acasio, Fevella). Excused, none.

SCRep. 1707 Ways and Means on H.B. No. 1191

The purpose and intent of this measure is to establish a broadband infrastructure grant program to provide broadband access to unserved and partially served areas in the State.

Your Committee received written comments in support of this measure from the Department of Health; Department of Transportation; Department of Business, Economic Development, and Tourism; Mayor's Office for the County of Maui; AARP Hawaii; Hawaii Primary Care Association; AlohaCare; Maui Chamber of Commerce; Hawaii Office of Community Services; Democratic Party of Hawaii; and Charter Communications.

Your Committee received written comments on this measure from the Department of Budget and Finance, Office of Information Practices, and Hawaiian Telcom.

Your Committee finds that the coronavirus disease 2019 pandemic has highlighted the need for equitable access to high-speed broadband services. The grant program supported by this measure will benefit students and teachers engaged in remote learning; workers performing their duties remotely; health professionals and patients, including kupuna, who rely on telemedicine; and others in unserved or underserved communities.

Your Committee has amended this measure by:

- (1) Adding a definition for "underserved area" and substituting "underserved areas" for the reference in the measure to "areas that are partially served";
- (2) Specifying that eligible applicants are required to commit to paying a minimum of eighty percent of the total project cost out of the applicant's own funds if the State's portion of the total project cost is derived from general funds or general obligation bonds, but not if the State's portion was provided by the federal government;
- (3) Specifying that when reviewing applications, the Department of Business, Economic Development, and Tourism, upon request, shall treat commercially sensitive information as confidential as suggested in testimony from the Office of Information Practices:
- (4) Requiring applicants to certify that no other federal or state program provides funding that is available to the applicant for the project;
- (5) Specifying that the proceeds from the general obligation bonds shall be deposited into the Hawaii broadband infrastructure fund:
- (6) Appropriating an unspecified sum from the Hawaii broadband infrastructure fund for the broadband infrastructure grant program; 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. 1191, 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. 1191, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 2 (Moriwaki, Taniguchi).

SCRep. 1708 Ways and Means on H.B. No. 1362

The purpose and intent of this measure is to facilitate the provision of early childhood education.

More specifically, the measure:

- (1) Establishes the Hawaii early childhood educator stipend program to address the shortage of early childhood educators;
- Repeals the prohibition against the Department of Education establishing private partnership funded prekindergarten classrooms;

- (3) Beginning with the 2024 school year, changes the cutoff date from July 31 to December 31 by which a child must be at least five years of age to be enrolled in kindergarten;
- (4) Provides that each early learning program and preschool program may use available classrooms for public preschool programs statewide:
- (5) Requires the application of a uniform assessment for public and charter school kindergarten students;
- (6) Gives priority for entering the preschool open doors program to children who miss the cutoff date to enter kindergarten;
- (7) Extends certain dates relating to, and effective dates for implementation of, Act 46, Session Laws of Hawaii 2020;
- (8) Authorizes educational data to be shared using an existing data system; and
- (9) Appropriates moneys for one full-time equivalent (1.0 FTE) position to coordinate, staff, and facilitate the implementation of Act 46, Session Laws of Hawaii 2020.

Your Committee received written comments in support of this measure from the Board of Education, Executive Office on Early Learning, State Council on Developmental Disabilities, Early Learning Board, Hawaii Association of School Psychologists, HE'E Coalition, Early Childhood Action Strategy, Hawaii Children's Action Network Speaks!, and seventeen individuals.

Your Committee received written comments on this measure from the Department of Education, Department of Human Services, Kamehameha Schools, Hawaii Association for the Education of Young Children, and one individual.

Your Committee finds that workers in the early childhood education field face a number of challenges, including low wages. As a result, the recruitment and retention of those workers can be difficult. Your Committee believes that it is appropriate for the State to support individuals who pursue careers in early childhood education, which will help the State meet its goal of increasing access to early learning programs.

Your Committee has amended this measure by:

- (1) Authorizing the Department of Education to directly accept private funding for the purpose of establishing public prekindergarten programs; provided that:
 - (A) The Department shall comply with section 302L-7, Hawaii Revised Statutes; and
 - (B) The Department, the Executive Office on Early Learning, and the person providing the private funding shall sign a memorandum of agreement or understanding;
- (2) Deleting language that changes the cutoff date from July 31 to December 31 by which a child must be at least five years of age to be enrolled in kindergarten;
- (3) Replacing a reference to Hawaii P-20 Partnerships for Education with a reference to "an organization whose mission is to strengthen the education pipeline from early childhood through postsecondary education and training with data-informed decision making, advocacy, and policy coordination;"
- (4) Deleting a requirement that the Department of Human Services and the Executive Office on Early Learning submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024;
- (5) Including the Executive Office on Early Learning among the state agencies that are required to share data through the statewide longitudinal data system;
- (6) Clarifying that certain moneys appropriated from the Hawaiian early learning trust fund shall not be made available to a program if the program is not licensed by the Department of Human Services;
- (7) Requiring certain child care centers within the University of Hawaii at Hilo to be licensed by the Department of Human Services by an unspecified date;
- (8) Changing the proposed new effective date of section 8 of Act 46, Session Laws of Hawaii 2020, from July 1, 2023, to the approval date for that Act; and
- (9) 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. 1362, 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. 1362, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro).

SCRep. 1709 (Joint) Ways and Means and Judiciary on H.B. No. 1376

The purpose and intent of this measure is to amend the Landlord-Tenant Code to address the eviction moratorium implemented in response to the coronavirus disease 2019 (COVID-19) pandemic.

More specifically, this measure:

- (1) Extends from five days to fifteen days the required period for a notice of termination of a lease agreement for failure to pay rent;
- (2) Requires landlords to include certain content in the fifteen calendar-day notice;

- (3) Requires landlords to provide the fifteen calendar-day notice to mediation centers that offer free mediation for residential landlord-tenant disputes;
- (4) Delays the date by which a landlord may file a summary proceeding for possession if the tenant schedules or attempts to schedule mediation;
- Establishes the required content of a summary possession complaint;
- (6) Authorizes the court to order a separate mediation under certain circumstances; and
- (7) Limits the circumstances in which a landlord may exercise certain remedies depending on the amount of rent due.

Your Committees received written comments in support of this measure from the Office of Consumer Protection of the Department of Commerce and Consumer Affairs, Hawaii Housing Finance and Development Corporation, Catholic Charities Hawaii, Hawaii Association of REALTORS, Legal Aid Society of Hawaii, and one individual.

Your Committees received written comments in opposition to this measure from one individual.

Your Committees received written comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that this measure will help landlords and tenants to reach a mutually beneficial resolution of rent arrearages and mitigate the number of evictions caused by the COVID-19 pandemic.

Your Committees have amended this measure by:

- Inserting a provision to require courts, upon receipt of a written application, to expunge and seal records of eviction judgments
 for failure to pay rent that are entered against residential tenants during the one-year period following the expiration of the
 governor's final eviction moratorium;
- (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 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 H.B. No. 1376, 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. 1376, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8. Noes, none. Excused, 3 (English, Moriwaki, Shimabukuro).

Judiciary: Ayes, 7; Ayes with Reservations (Kim). Noes, none. Excused, none.

SCRep. 1710 Ways and Means on H.B. No. 774

The purpose and intent of this measure is to establish a Pulehunui Community Development District and Pulehunui Community Development Authority to redevelop, renovate, and improve public lands in Pulehunui, Maui.

Your Committee received written comments in support of this measure from the Department of Hawaiian Home Lands, Department of Land and Natural Resources, Department of Public Safety, and Hawaii Community Development Authority.

Your Committee finds that public lands may be developed and improved more efficiently by entities comprising residents, business owners, and public officials having close connections with the specific community development districts.

Your Committee has amended this measure by:

- (1) Amending the composition and duties of the Hawaii Community Development Authority;
- (2) Establishing Community Development District Authority Boards to govern each of the community development districts;
- (3) Reassigning certain powers and duties from the Hawaii Community Development Authority to the Community Development District Authority Boards; and
- (4) Deleting, as redundant, the provisions of the measure that establish Pulehunui as an autonomous community 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 H.B. No. 774, 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. 774, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (English).

SCRep. 1711 (Joint/Majority) Ways and Means and Commerce and Consumer Protection on H.B. No. 862

The purpose and intent of this measure is to:

- Abolish the Office of Aerospace Development, Aerospace Advisory Committee, and the Hawaii Unmanned Aerial Systems
 Test Site Advisory Board;
- (2) Specify that the Pacific International Space Center for Exploration Systems shall be administratively attached to the University of Hawaii at Hilo Imiloa rather than the Department of Business, Economic Development, and Tourism;

- (3) Transfer the administration of the Challenger Center Hawaii Program from the Office of Aerospace Development to the Department of Education for administrative purposes;
- (4) Transfer all appropriations for the Challenger Center Hawaii Program from the Office of Aerospace Development to the Department of Education; and
- (5) Specify that the Executive Director of the Pacific International Space Center for Exploration Systems shall oversee and manage the Unmanned Aircraft Systems Program.

Your Committees received testimony in support of this measure from the Department of Education, University of Hawai'i System, Challenger Center Hawaii, Pacific International Space Center for Exploration Systems, Canada-France-Hawaii Telescope Corporation, Sustainable Energy Hawai'i, Smarter Building Systems LLC, and eleven individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Prior to hearing this measure, your Committees made available for public review a proposed S.D. 2 of this measure. The proposed S.D. 2, in addition to the original contents of this measure:

- (1) Clarifies the holdover provision for board members of the Hawaii Tourism Authority;
- (2) Requires that the 3.5 percent cap on spending from the tourism special fund include all governance and employment expenses and organization-wide costs as administrative expenses and repeals the requirement that at least \$1,000,000 shall be used for areas frequented by visitors;
- (3) Repeals the allocation from the Transient Accommodations Tax to the tourism special fund and tourism emergency special fund;
- (4) Repeals the Hawaii Tourism Authority's authorization to establish an advisory group;
- (5) Requires state and local boards to develop written conflict of interest policies;
- (6) Requires the Governor to fix the compensation for the Hawaii Workforce Development Council's Executive Director;
- (7) Requires the Department of Labor and Industrial Relations to provide support staff to the Hawaii Workforce Development Council:
- (8) Transfers the Hawaii Workforce Development Council to the Department of Labor and Industrial Relations; and
- (9) Clarifies the employment of professional staff by the Public Utilities Commission.

Your Committees received testimony in support of this measure from the Department of Education, University of Hawai'i System, Pacific International Space Center for Exploration Systems, Canada-France-Hawaii Telescope Corporation, Public Utilities Commission, The Success Factory, Sustainable Energy Hawai'i, and thirteen individuals. Your Committees received testimony in opposition to this measure from the Hawai'i Tourism Authority; King Kamehameha Celebration Commission; Hawai'i County Council; Oahu Economic Development Board; Hawai'i Council for the Association of Hawaiian Civic Clubs; Council for Native Hawaiian Advancement; Native Hawaiian Chamber of Commerce; Waimea Hawaiian Civic Club; Omnitrak; 'Īlio'ulaokalani Coalition; Hawaii Civic Club of Honolulu; Kona-Kohala Chamber of Commerce; Hawai'i Island Chamber of Commerce; Waikiki Improvement Association; Ke One O Kākuhihewa, Chamber of Commerce Hawaii; Maui Chamber of Commerce; Kaua'i Chamber; Hawai'i Lodging and Tourism Association; Hawai'i Forest Industry Association; Lāna'i Culture and Heritage Center, Halau Mohala Ilima; KL Felicitas Foundation; Kauluakalana, Kohala Coast Resort Association; 'Aha Pūnana Leo; International Festivals and Events Association; Hui 'Oihana, Hawai'i Island Native Hawaiian Chamber of Commerce; Kanu Hawaii; Hika'alani; Awaiaulu; Kanaeokana Kula Hawai'i Network; 'Āina Aloha Economic Futures; Mauna Kea Resort; Special Events Hawaii; Marketing Management, Inc.; The Nature Conservancy Hawai'i; Fairmont Orchid, Hawai'i; Coral Reef Alliance; The Kohala Center; Ka Lāhui Hawai'i Kōmike Kalai aina; Honolulu Festival Foundation; Hookipa Specialists, LLC; Aukahi Cultural Consulting; Kapuahi LLC; and one hundred and sixty-five individuals. Your Committees received comments on this measure from the Department of Budget and Finance, Workforce Development Council, Office of Hawaiian Affairs, County of Kauai Office of Economic Development, Omnitrak, and six individuals.

Your Committees find that Hawaii plays an important role in the development of the aerospace industry and given the current economic situation in the State, it is critical for the State to consider reallocating its limited resources by eliminating, reorganizing, and consolidating certain state agencies. While recognizing the need to reallocate resources, your Committees also recognize the vital role that the Pacific International Space Center for Exploration plays in facilitating aerospace economic development projects, workforce development, and outreach programs.

Your Committees also recognize that the Challenger Center Hawaii Program adds value to the State's education system. The Challenger Center Hawaii Program is a once-in-a-lifetime experience that offers middle-school students the opportunity to apply both critical and creative thinking in a real-world collaborative space exploration scenario. Through this program, students are immersed in a fully-integrated Science, Technology, Engineering, and Mathematics (STEM) experience based on core concepts that enhance their aptitude in a wide variety of foundational life skills, which serves as a springboard for students to embark in STEM careers.

Your Committees also find that in light of the changes and challenges presented by the coronavirus disease (COVID-19) pandemic, it is necessary to streamline state government operations. Your Committees find that it is important to promote greater flexibility, responsiveness, transparency, and accountability in how the government interfaces with and responds to the local and visitor communities. Your Committees recognize that this measure will not only improve government efficiency, but allow the State to embrace new and diverse opportunities to promote and manage tourism as Hawaii continues to recover from the devasting effects of COVID-19 on the State's economy and community.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying that the Pacific International Space Center for Exploration Systems is placed within the University of Hawaii at Hilo, rather than specifically within Imiloa;
- (2) Transferring the existing Hawaiian Culture functions from the Hawaii Tourism Authority to the State Foundation on Culture and the Arts:
- (3) Specifying that the mission and responsibilities of the State Foundation on Culture and the Arts is to perpetuate the uniqueness of the native Hawaiian culture and community and their importance to the quality of life for the people of Hawaii, by ensuring that:
 - (A) Hawaiian culture is accurately portrayed;
 - (B) Hawaiian language is supported and normalized as both an official language of the State as well as the foundation of the host culture;
 - (C) Hawaiian cultural practitioners and cultural sites that give value to Hawaii's heritage are supported, nurtured, and engaged in sustaining the quality of life for the people of Hawaii; and
 - (D) A native Hawaiian cultural education and training program is provided for the general public, State employees, and contractors;
- (4) Transferring three permanent full-time equivalent Hawaiian cultural positions to the State Foundation of Culture and Arts from the Hawaii Tourism Authority to help fulfill the Foundation's mission;
- (5) Appropriating \$3,700,000 from the general fund to cover the existing grant programs perpetuating Hawaiian culture;
- (6) Appropriating \$350,000 to cover the salaries for the three Hawaiian cultural positions;
- (7) Appropriating \$4,000,000 from the general fund to the Hawaii Tourism Authority's budget for promotion, development, and coordination of sports-related activities and events;
- (8) Requiring the Hawaii Tourism Authority and its contractors to collaborate with the State Foundation on Culture and the Arts as a resource to assist with Hawaii Tourism Authority's efforts in ensuring cultural sensitivity in its marketing to the visitor industry; and
- (9) 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 Ways and Means and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 862, 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. 862, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 7. Noes, 1 (Fevella). Excused, 3 (Kanuha, Kidani, Shimabukuro).

Commerce and Consumer Protection: Ayes, 6. Noes, 1 (Fevella). Excused, none.

SCRep. 1712 Transportation on H.C.R. No. 97

The purpose and intent of this measure is to request the formation of a task force for the management of North Road.

Your Committee received testimony in support of this measure from one member of the Honolulu City Council and five individuals. Your Committee received comments on this measure from the Department of Transportation.

Your Committee finds that deferred maintenance and upkeep of North Road in Ewa Beach is a serious concern for residents. Three separate entities own various portions of the road and all of them should work together to manage the road. This measure requests that the stakeholders form a task force to solve the management issue of North Road.

Your Committee has amended this measure by substituting the City and County of Honolulu for the Department of Transportation as the entity requested to organize the task force meetings.

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 H.C.R. No. 97, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 97, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1713 Transportation on H.C.R. No. 180

The purpose and intent of this measure is to urge the Department of Transportation, Mayor of the City and County of Honolulu, and Honolulu City Council to reroute Farrington Highway in accordance with the 1998 Makaha Beach Park Master Plan.

Your Committee received testimony in support of this measure from Free Access Coalition and six individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that in 1998 the City and County of Honolulu developed a master plan for Makaha Beach Park that proposed to reroute Farrington Highway further inland and away from the beach, as well as expanding the beach park with new picnic areas, fields, and restroom facilities. However, the 1998 Makaha Beach Park Master Plan was never executed due to a lack of funds.

Your Committee further finds that Farrington Highway is the only transportation route to travel south in the Makaha area and the urgency to repair the Makaha Bridge has been a public safety concern for Waianae residents for many years. This measure urges the

Department of Transportation, the Mayor of the City and County of Honolulu, and the Honolulu City Council to implement the 1998 Makaha Beach Park Master Plan.

Your Committee has amended this measure by:

- (1) Adding new information from the Department of Transportation on their recently announced modified bridge replacement plan;
- (2) Urging the City and County of Honolulu to update the 1998 Makaha Beach Master Plan;
- (3) Urging the Oahu Metropolitan Planning Organization to keep the Farrington Highway Makaha Beach Realignment Feasibility Study on their Overall Work Program for fiscal year 2022; and
- (4) Urging the Department of Transportation to use best practices and all methods available to mitigate traffic congestion during construction.

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 H.C.R. No. 180, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 180, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1714 Agriculture and Environment on H.C.R. No. 119

The purpose and intent of this measure is to urge the Department of Agriculture, Department of Health, Department of Land and Natural Resources, and University of Hawaii to develop and implement a mosquito control program that uses *Wolbachia* bacteria to reduce mosquito population levels throughout the State.

Your Committee received testimony in support of this measure from the Department of Health, Department of Land and Natural Resources, Hawai'i Farm Bureau, The Nature Conservancy Hawai'i, and American Bird Conservancy. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that mosquito-borne diseases, including the Zika virus, West Nile virus, Chikungunya virus, dengue fever, and avian malaria, are spread through the bite of an infected mosquito and that the control of mosquito populations throughout Hawaii is therefore necessary to protect the health and well-being of the State's residents and animals. Your Committee further finds that *Wolbachia* is a naturally occurring bacteria present in a high percentage of all insects and has been used successfully around the world in suppressing populations of pest mosquitoes.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 119, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 119, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1715 Education on H.C.R. No. 68

The purpose and intent of this measure is to request the Department of Education to create a landscape management plan with goals to increase tree canopies on public school grounds, document existing inventory and talent, and identify additional resources required to implement and sustain the plan.

Your Committee received testimony in support of this measure from the Trees for Honolulu's Future; Climate Protectors Hawaii; Okahara and Associates, Inc.; and six individuals.

Your Committee finds that the increase in temperature and number of hot days per year make it difficult for students to learn at school. Increasing the tree canopy on school grounds will enable students to continue to play, learn, and gather outside, even as the temperature rises. Trees on school campuses will also absorb storm water, clean the air, beautify campuses, and help the counties and State reach environmental goals. An abundance of trees on school campuses would help cool each campus and provide a multitude of learning opportunities, including learning the role trees play in the overall health of the ecosystem, cultural uses of indigenous trees, tree propagation and care, commercial uses of trees, and participation in community programs that promote tree planting. This measure will create a plan to increase tree canopies on school campuses, which will provide students with a cooler, more beautiful, and healthier learning space.

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 H.C.R. No. 68, and recommends that it 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. 1716 Health on H.C.R. No. 59

The purpose and intent of this measure is to recognize and support ongoing efforts by state agencies and private organizations to implement the "Hep Free 2030" statewide strategy to eliminate viral hepatitis types A, B, and C in Hawaii.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Health & Harm Reduction Center, Hep Free Hawai'i, Hawaii Island HIV/AIDS Foundation, Hawai'i Public Health Association, and twenty individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that approximately sixty-three thousand people in Hawaii are living with viral hepatitis types B or C, and many persons may be unaware that they are infected. On July 28, 2020, the United States Senators for Hawaii, Lieutenant Governor, and the Harm Reduction Services Branch of the Department of Health issued "Hep Free 2030", a ten-year statewide strategy to help eliminate viral hepatitis types A, B, and C in Hawaii. This measure recognizes and supports the ongoing efforts to implement the Hep Free 2030 statewide strategy and requests the House Committee on Health, Human Services, and Homelessness and Senate Committee on Health to convene joint informational briefings to assess the progress of the Hep Free 2030 statewide strategy implementation and to receive any proposed legislation that the Executive Director of Hep Free Hawaii may submit for the Regular Session of 2022.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 59, H.D. 1, 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. 1717 Health on H.C.R. No. 132

The purpose and intent of this measure is to request the Department of Health to submit a request to the Drug Enforcement Administration for an exception to regulations and a petition to initiate proceedings for federal rulemaking to clarify that the state-authorized use of medical cannabis does not violate the federal Controlled Substances Act.

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

Your Committee finds that Act 228, Session Laws of Hawaii 2000, authorizes the use of medical marijuana to treat debilitating medical conditions, including cancer, glaucoma, human immunodeficiency virus, acquired immune deficiency syndrome, and other chronic or debilitating diseases. However, federal law expressly prohibits the use of marijuana, despite the evidence of the benefits of using medical cannabis. Your Committee finds that this lack of uniformity between state and federal laws has repercussions for medical cannabis patients and the State's medical cannabis dispensaries, including loss of employment, discrimination in child custody hearings, eligibility for federally subsidized housing, and others. This measure requests the Department of Health to submit a request to the Drug Enforcement Administration for an exception to marijuana regulations.

Your Committee finds that the intent of the measure would be better served by incorporating a broader request. Therefore, your Committee has amended this measure by:

- (1) Removing each provision that:
 - (A) Requests a written acknowledgement from the Drug Enforcement Agency that the inclusion of marijuana as a controlled substance in Schedule I of the federal Controlled Substances Act does not apply to the non-prescription use of cannabis under Hawaii's medical cannabis registry and medical cannabis dispensary programs; and
 - (B) Offers proposed language for adoption into Title 21 Code of Federal Regulations;
- (2) Replacing the request for the Department of Health to submit a request for an exception to regulations and a petition to initiate proceedings for federal rulemaking, with a request that the Department of Health apply to the Drug Enforcement Administration's Office of Diversion Control for an exception under Title 21 Code of Federal Regulations section 1307.03, and request formal written acknowledgment that the listing of marihuana, marihuana extract, and tetrahydrocannabinols as controlled substances in federal Schedule I does not apply to the protected activities in the Hawaii Revised Statutes;
- (3) Amending the title 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 Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 132, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary, in the form attached hereto as H.C.R. No. 132, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1718 Education on Gov. Msg. Nos. 548, 549, 550, 551, 552, 553, 554, and 555

Recommending that the Senate advise and consent to the nominations of the following:

SCHOOL FACILITIES BOARD

G.M. No. 548 LAJUAINE SUISO, for a term to expire 06-30-2021;
G.M. No. 549 LAJUAINE SUISO, for a term to expire 06-30-2025;
G.M. No. 550 CHAD FARIAS, for a term to expire 06-30-2024;
G.M. No. 551 ALAN OSHIMA, for a term to expire 06-30-2021;
G.M. No. 552 ALAN OSHIMA, for a term to expire 06-30-2025;

- G.M. No. 553 BETTINA MEHNERT, for a term to expire 06-30-2024;
- G.M. No. 554 HAROLD EDWARDS, for a term to expire 06-30-2021; and
- G.M. No. 555 HAROLD EDWARDS, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by LaJuaine Suiso, Chad Farias, Alan Oshima, Bettina Mehnert, and Harold Edwards for service on the School Facilities Board.

LAJUAINE SUISO

Your Committee received testimony in support of the nominations for the appointment and reappointment of LaJuaine Suiso from the Governor; Department of Business, Economic Development, and Tourism; Department of Transportation; and three individuals.

Upon review of the testimony, your Committee finds that Ms. Suiso's expertise, experience, and belief in and commitment to the community and education make her a valuable asset to the School Facilities Board. Ms. Suiso has devoted more than two decades to education in various roles including as a teacher, career consultant, and program director. Ms. Suiso has dedicated herself to creating more opportunities for students in the community she grew up in and continues to live. Your Committee further finds that Ms. Suiso developed Seariders Productions as a creative outlet for students at Waianae high school, which introduced a multitude of students to the world of multi-media. As a result of Ms. Suiso's efforts, Seariders Productions developed state of the art studio facilities and has received numerous awards. Ms. Suiso has also contributed to many organizations with different areas of concentrations that have made an impact throughout the State. Your Committee therefore recommends that Ms. Suiso be appointed to the School Facilities Board based on her knowledge, vision, commitment, and dedication to education.

CHAD FARIAS

Your Committee received testimony in support of the nomination for the appointment of Chad Farias from the Governor, Department of Education, Department of Transportation, Honoka'a Elementary School, Ka'u High and Pahala Elementary School, and fourteen individuals.

Upon review of the testimony, your Committee finds that Mr. Farias' decision-making skills, experience, fresh perspective, and commitment make him a valuable asset to the School Facilities Board. Mr. Farias has twenty-eight years of experience working in various roles in education including as a teacher, counselor, activities coordinator, vice-principal, principal, athletics coach, and complex area superintendent. As the Complex Area Superintendent for Ka'u, Kea'au, and Pohoa, Mr. Farias implemented the State Strategic Plan and brought stability through natural disasters and continued operation of schools in that complex area. Mr. Farias also volunteered to be the Complex Area Superintendent for Hilo and Waiakea while he was the Complex Area Superintendent for Ka'u, Kea'au, and Pohoa, and successfully managed the two complexes simultaneously. Your Committee therefore recommends that Ms. Farias be appointed to the School Facilities Board based on his positive mindset, knowledge, experience, and dedication to the keiki.

ALAN OSHIMA

Your Committee received testimony in support of the nominations for the appointment and reappointment of Alan Oshima from the Governor; Department of Business, Economic Development, and Tourism; Department of Transportation; and six individuals.

Upon review of the testimony, your Committee finds that Mr. Oshima's professional background, as well as his dedication and commitment to the interests of Hawaii's public school students, make him a valuable asset to the School Facilities Board. Mr. Oshima retired as the President and Chief Executive Officer of the Hawaiian Electric Company. Your Committee further finds that Mr. Oshima has an extensive history of service with organizations and bodies devoted to the benefit of Hawaii's public schools and students, including Hawaii 3Rs, Hawaii Institute of Public Affairs, and the Governor's Every Student Succeeds Act Team. Mr. Oshima has been recognized by numerous professional and community organizations for his leadership and volunteerism. Your Committee therefore recommends that Mr. Oshima be appointed to the School Facilities Board based on his professional background, as well as his dedication and commitment to the interests of Hawaii's public school students.

BETTINA MEHNERT

Your Committee received testimony in support of the nomination for the appointment of Bettina Mehnert from the Governor; Department of Transportation; Architects Hawaii Ltd.; and three individuals.

Upon review of the testimony, your Committee finds that Ms. Mehnert's education, experience, vision, and leadership skills make her a valuable asset to the School Facilities Board. Ms. Mehnert is the President and Chief Executive Officer of Architects Hawaii Ltd. and is a visionary and leader in the evolution and innovation in Hawaii's architectural sector. Ms. Mehnert blends information technology solutions, firm culture, client cultivation, and community service as inseparable filaments of professional leadership. Taking community service beyond the annual donation and fundraiser template, Ms. Mehnert instituted a one percent pro bono program by which her architectural firm annually donates one percent of its billable hours to a worthy project. Your Committee therefore recommends that Ms. Mehnert be appointed to the School Facilities Board based on her strong leadership history, creative and innovative thinking, and commitment to the community.

HAROLD EDWARDS

Your Committee received testimony in support of the nominations for the appointment and reappointment of Harold Edwards from the Governor and Department of Transportation.

Upon review of the testimony, your Committee finds that Mr. Edwards' education, experience, and commitment to the community make him a valuable asset to the School Facilities Board. Mr. Edwards is the President and Chief Executive Officer of ITC Water Management, Inc., which is involved with design-build water infrastructure construction. Mr. Edwards was a senior vice president at Moloka'i Properties, Ltd. for twelve years and was responsible for real estate activities, which included planning, entitlement, design,

construction, sale, and warranty. As a Development Director for the Hawaii Community Development Authority, Mr. Edwards implemented the Authority's affordable housing development program. Your Committee therefore recommends that Mr. Edwards be appointed to the School Facilities Board based on his development experience, expertise in water systems, ability to manage projects and meet goals, and strong leadership skills.

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.

For Gov. Msg. Nos. 548, 549, 550, 553, 554, and 555: Ayes, 5. Noes, none. Excused, none.

For Gov. Msg. Nos. 551 and 552: Ayes, 5; Ayes with Reservations (Dela Cruz). Noes, none. Excused, none.

SCRep. 1719 Labor, Culture and the Arts on H.C.R. No. 44

The purpose and intent of this measure is to urge the President of the United States and the Asia-Pacific Economic Cooperation to hold the 2023 Asia-Pacific Economic Cooperation Summit in Honolulu, Hawaii.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority, Hawaii Automobile Dealers Association, one member of the Hawai'i County Council, and one individual.

Your Committee finds that the Asia-Pacific Economic Cooperation (APEC) is a regional economic forum established in 1989, that aims to create greater prosperity for the people of the region by promoting balanced, inclusive, sustainable, innovative and secure growth and by accelerating regional economic integration. Your Committee further finds that APEC's twenty-one member economies that generally surround the Pacific Ocean, represent over forty percent of the world's population and over fifty percent of the world's trade. Every year, one of the twenty-one APEC members plays host to APEC meetings (Summit) and serves as the APEC Chair. The host economy for the APEC Summit is responsible for chairing various meetings, including the annual Economic Leaders' Meeting, selected ministerial meetings, senior officials' meetings, the APEC Business Advisory Council, and the APEC Study Centers Consortium.

Your Committee finds that this measure focuses more on the benefits a hosting economy of an APEC Summit receives rather than the basis on which the President of the United States and APEC should hold the 2023 APEC Summit in Honolulu, Hawaii. Your Committee notes that the companion to this measure, S.C.R. No. 236, S.D. 1, establishes the reasons why Hawaii is the ideal location to hold APEC Summits. Therefore, your Committee finds that the language in S.C.R. No. 236, S.D. 1, is preferable.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting that of S.C.R. No. 236, S.D. 1;
- (2) Adding the Secretary of State of the United States and Secretary of the Treasury of the United States as recipients of certified copies of the concurrent resolution; 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 concurs with the intent and purpose of H.C.R. No. 44, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 44, S.D. 1.

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

SCRep. 1720 Labor, Culture and the Arts on H.C.R. No. 104

The purpose and intent of this measure is to request the Director of Labor and Industrial Relations to convene a task force to study, design, and develop a Paid Family Leave Pilot Program with coverage limited to certain employers and employees, to be established and implemented by the Department of Labor and Industrial Relations (DLIR) as a trial program that could eventually be expanded to cover all public and private sector workers in the State.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; AAUW of Hawaii; Americans for Democratic Action Hawaii; Breastfeeding Hawaii; Common Cause Hawaii; Hawaii Children's Action Network Speaks!; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Planned Parenthood Votes Northwest and Hawaii; and Rainbow Family 808.com Inc. Your Committee received comments on this measure from the Department of Labor and Industrial Relations, Chamber of Commerce Hawaii, and Society for Human Resource Management Hawaii.

Your Committee finds that family leave provided under existing federal and state laws are mainly unpaid, and as of March 2018, only seventeen percent of workers in the United States had access to paid family leave through their employers. Your Committee further finds that the need for family leave in Hawaii is expected to increase as the percentage of residents aged sixty-five years and older is projected to rise from 17.1 percent in 2016, to 22.6 percent in 2030. However, due to financial constraints, a majority of Hawaii's workforce cannot afford to take unpaid family leave for family caregiving purposes.

Your Committee further finds that the Legislature has considered various measures over numerous sessions to establish a framework by which paid family leave can be provided to the Hawaii workforce, and in 2018, ordered the Legislative Reference Bureau to analyze the impacts of establishing a paid family leave program in Hawaii to enable the Legislature to choose a model or framework that is most suitable for Hawaii. In December 2019, the Legislative Reference Bureau issued its Paid Family Leave Program Impact Study, which projected the costs and staffing required to establish and maintain a paid family leave system in Hawaii under three social insurance models. Your Committee believes that the next step towards establishment of a state-wide paid family leave program is to

have a task force study, design, and develop a pilot program with limited coverage to be implemented by DLIR that could eventually be expanded to the entire State.

Your Committee notes DLIR's testimony recommending that the measure identify the goal and objectives of the Paid Family Leave Pilot Program rather than having the task force develop them among competing interests. DLIR also requested that the Director of Labor and Industrial Relations or the director's designee be designated as the chairperson of the task force.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the Paid Family Leave Pilot Program to be studied, designed, and developed by the task force:
 - (A) Limit coverage to the employers and employees in the County of Kauai; and
 - (B) Be modeled after and similar to the paid leave program established under the Hawaii Temporary Disability Insurance Law, chapter 392, Hawaii Revised Statutes;
- (2) Amending the composition of the task force and requesting the Director of Labor and Industrial Relations or the Director's designee to serve as its chairperson;
- (3) Clarifying that the task force is requested to commence its work upon the appointment of a simple majority of its members; 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 concurs with the intent and purpose of H.C.R. No. 104, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 104, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1721 (Joint) Hawaiian Affairs and Water and Land on H.C.R. No. 76

The purpose and intent of this measure is to request the Department of Land and Natural Resources to convene a working group to assess the status of Act 14, Special Session Laws of Hawaii 1995.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Sovereign Council of Hawaiian Homestead Associations, and one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources, and Office of Planning.

Your Committees find that the Legislature passed Act 14, Special Session Laws of Hawaii 1995 (Act 14), to provide for a full settlement of all land claims made on behalf of the Hawaiian Home Lands Trust against the State between August 1, 1959, and July 1, 1988, established the Hawaiian Homes Lands Trust Fund, and required the State to make twenty annual deposits of \$30,000,000 or their discounted equivalent into the Fund for purposes of furthering the Hawaiian Homes Commission Act of 1920, as amended. Over twenty-five years have passed since the enactment of Act 14; yet, the need for affordable housing for beneficiaries of the Hawaiian Homes Commission Act of 1920 remains great. Further, the existing status of Act 14 and whether its mandates to provide for a settlement of all state land claims is unknown. Therefore, a working group is requested to convene to examine the requirements of Act 14 and evaluate whether the outstanding claims have been completed.

Your Committees heard concerns from the Department of Hawaiian Home Lands that they are listed as a party to a suit alleging that the State has violated the Hawaiian Homes Commission Act by using the Mauna Kea Access Road without compensation. Despite these concerns, the initiation of a land exchange to remedy uncompensated use of Hawaiian home lands for state roads and highways is among one of the many purposes outlined under Act 14. Even if the Department of Hawaiian Home Lands is prohibited from disclosing any information to the working group related to the litigation due to attorney-client privilege, the Department of Hawaiian Home Lands may still participate as a member of the working group to evaluate the outstanding claims under Act 14.

Your Committees have amended this measure by:

- (1) Inserting additional background on the history of Act 14 and past breaches of trust of the Hawaiian Homes Commission Act;
- (2) Including findings of the authorization of the transfer of 16,518 acres of state land to the Department of Hawaiian Home Lands to restore the corpus to its original estimated acreage;
- (3) Clarifying the three parties to the Hawaiian Homes Commission Act as reflected in 43 Code of Federal Regulations Parts 47 and 48;
- (4) Acknowledging that the Legislature continues to have concerns regarding outstanding issues related to Act 14; claims made pursuant to chapter 673, Hawaii Revised Statutes, which arose after July 1, 1988; and the outstanding status of certain elements of claims, such as the land exchange to remedy uncompensated use of Hawaiian home lands for state roads and highways; and
- (5) Amending the working group membership to include a representative from the United States Department of the Interior, or their designee; the Attorney General, or their designee; chairperson of the Hawaiian Homes Commission or their designee; chairperson of the Board of Land and Natural Resources, or their designee; and a representative from a federally defined regional homestead association deemed necessary by the Department of Hawaiian Home Lands;
- (6) Requesting that the chairperson of the Hawaiian Homes Commission and the chairperson of the Board of Land and Natural Resources serve as the co-chairs or the working group;

- (7) Amending one of the elements of the scope of the working group to identify the steps necessary to finalize outstanding claims related to Act 14;
- (8) Including claims pursuant to chapter 673, Hawaii Revised Statutes, which arose after July 1, 1988 as an element for the working group to consider in its scope of business;
- (9) Providing that the working group be dissolved on June 30, 2022;
- (10) Amending the title in accordance with its amended purpose; 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 Hawaiian Affairs and Water and Land that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 76, as amended herein, and recommend that it be referred to your Committee on Judiciary, in the form attached hereto as H.C.R. No. 76, S.D. 1.

Signed by the Vice President and President on behalf of the Committees. Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

SCRep. 1722 Water and Land on H.C.R. No. 16

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Kaalawai, Honolulu, Oahu, for the existing seawall constructed thereon, and the use, repair, and maintenance of the existing seawall.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources (BLNR) 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 at its meeting on April 13, 2018, under agenda item D-7, the BLNR, subject to conditions, approved a grant of a fifty-five-year non-exclusive easement to resolve the seawall encroachment of two hundred and fourteen square feet. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

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 H.C.R. No. 16, and recommends that it be referred to your Committee on Ways and Means.

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

SCRep. 1723 Water and Land on H.C.R. No. 17

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Waimanalo, Koolaupoko, Oahu, for the existing pier, seawall, and steps, and for the use, repair, and maintenance of the existing improvements constructed thereon.

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 (BLNR) 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 at its meeting on January 13, 2017, under agenda item D-14, the BLNR, subject to conditions, approved a grant of a fifty-five-year non-exclusive easement to resolve the pier encroachment of seven hundred sixteen square feet. Your Committee also finds that at its meeting on April 12, 2019, under agenda item D-8, the BLNR, subject to conditions, approved to amend the total encroachment area to 2,818 square feet and to add seawall and steps as part of the characters of use to the non-exclusive easement approved in 2017. Your Committee concludes that the amendment of the easement is necessary for the use, repair, and maintenance of the existing pier, seawall, and steps.

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 H.C.R. No. 17, H.D. 1, and recommends that it be referred to your Committee on Ways and Means.

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

SCRep. 1724 Water and Land on H.C.R. No. 18

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Kamaole, Kula, Maui, for the existing rubble rock revetment, rock wall, and two concrete stairways, and for the use, repair, and maintenance of the existing improvements constructed thereon.

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 (BLNR) 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 10, 2011, under agenda item D-4, the BLNR, subject to conditions, approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment of roughly half of the 18,668 square feet of state

submerged lands fronting the property identified as Tax Map Key: (2) 3-9-005:001, Kamaole, Kula, Maui. Your Committee concludes that the easement is necessary for the use, maintenance, repair, replacement, and removal of the existing rubble rock revetment, rock wall, and two 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 H.C.R. No. 18, and recommends that it be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committee.

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

SCRep. 1725 Water and Land on H.C.R. No. 19

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a perpetual, non-exclusive easement covering a portion of state submerged lands at Maunalua, Honolulu, Oahu, for the existing storm drain, and for the use, repair, and maintenance of the existing improvements constructed thereon.

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 (BLNR) 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, BLNR approved a request for a grant of a perpetual non-exclusive easement to resolve the storm drain encroachment of one hundred seventy-four square feet. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing storm drain.

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 H.C.R. No. 19, and recommends that it be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committee.

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

SCRep. 1726 Water and Land on H.C.R. No. 20

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a perpetual, non-exclusive easement covering a portion of state submerged lands at Kaneohe, Koolaupoko, Oahu, for the existing storm drain, and for the use, repair, and maintenance of the existing improvements constructed thereon.

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 (BLNR) 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 BLNR, subject to conditions, approved a grant of a perpetual non-exclusive easement to resolve the storm drain encroachment of six hundred seventy-nine square feet. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing storm drain.

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 H.C.R. No. 20, and recommends that it be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committee.

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

SCRep. 1727 Water and Land on H.C.R. No. 21

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Napili 2 and 3, Lahaina, Maui, for the existing walkway, and for the use, repair, and maintenance of the existing improvements constructed thereon.

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 (BLNR) 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 in its meeting on June 28, 2019, under agenda item D-7, the BLNR, subject to conditions, approved a grant of a term, non-exclusive easement to resolve the one hundred forty-two square foot encroachment of the existing walkway. Your Committee notes that the term of this easement is to run with the land and inure to the benefit of the abutting real property and to be coterminous with the term of the Grant of Non-Exclusive Easement No. S-5998, dated October 25, 2010. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing walkway.

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 H.C.R. No. 21, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 21, S.D. 1.

Signed by the President on behalf of the Committee.

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

SCRep. 1728 Water and Land on H.C.R. No. 22

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Waiohuli-Keokea, Wailuku, Maui, for the existing seawall, and for the use, repair, and maintenance of the existing improvements constructed thereon.

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 (BLNR) 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 in its meetings on August 25, 2017, under agenda item D-9, as amended, and October 12, 2018, under agenda item D-5, the BLNR, subject to conditions, approved the grants of sixty-five-year non-exclusive easements of the additional portions of the seawall on state submerged lands, to resolve the approximately nine hundred twenty-eight square feet of seawall encroachments. Your Committee notes that the term of these additional easements is to run with the land and inure to the benefit of the abutting real property. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

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 H.C.R. No. 22, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 22, H.D. 1, S.D. 1.

Signed by the President on behalf of the Committee.

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

SCRep. 1729 Water and Land on H.C.R. No. 23

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Waiohuli-Keokea Homesteads, Kihei, Maui, for the existing seawall, rock revetment, and concrete steps, and for the use, repair, and maintenance of the existing improvements constructed thereon.

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 (BLNR) 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 9, 2017, under agenda item D-9, the BLNR, subject to conditions, approved a grant of a fifty-five year non-exclusive easement to resolve the seawall and rock revetment encroachment of approximately six hundred eleven to six hundred fifty square feet. Your Committee also finds that at its meeting on April 26, 2019, under agenda item D-6, the BLNR, subject to conditions, approved to add a portion of the concrete steps and amend the total encroachment area from six hundred fifty square feet to six hundred sixty-eight square feet. Your Committee concludes that the amendment of the easement is necessary for the use, repair, and maintenance of the existing seawall, rock revetment, and concrete steps.

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 H.C.R. No. 23, and recommends that it be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committee.

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

SCRep. 1730 Water and Land on H.C.R. No. 24

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Waiohuli-Keokea Homesteads and Beach Lots, Kihei, Maui, for the existing seawall and rock revetment, and for the use, repair, and maintenance of the existing improvements constructed thereon.

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 (BLNR) 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 at its meeting on July 11, 2014, under agenda item D-3, the BLNR, subject to conditions, approved a grant of a fifty-five-year non-exclusive easement to resolve the seawall and rock revetment encroachment of 1,260 square feet, more or less. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall and rock revetment.

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 H.C.R. No. 24, and recommends that it be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committee.

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

SCRep. 1731 Water and Land on H.C.R. No. 25

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Maunalua, Honolulu, Oahu, for the existing seawall, and for use, repair, and maintenance of the existing improvements constructed thereon.

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 (BLNR) 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 in its meeting on July 10, 2020, under agenda item D-5, the BLNR, subject to conditions, approved a grant of a twenty-five-year non-exclusive easement to resolve the one hundred thirty-eight square foot seawall encroachment. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

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 H.C.R. No. 25, and recommends that it be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committee.

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

SCRep. 1732 Water and Land on H.C.R. No. 49

The purpose and intent of this measure is to authorize the Department of Transportation, with the prior approval of the Board of Land and Natural Resources, to issue a lease covering a portion of state submerged lands at Pier 27 in Honolulu Harbor, Oahu, to Atlantis Submarines Hawaii, LLC.

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

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. According to testimony received by your Committee, the Department of Transportation intends to issue a new thirty-five-year lease to be approved by the Board of Land and Natural Resources for the approximately 26,876 square feet of state submerged lands identified in this measure. Currently, Atlantis employs floating docks on the submerged lands to maintain its submarines and recharge their batteries. Your Committee concludes that the lease of these submerged lands is necessary to support the full relocation of Atlantis's repair and maintenance facility from Pier 41 to Pier 27 as part of the Honolulu Harbor Master Plan.

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 H.C.R. No. 49, H.D. 1, and recommends that it be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committee.

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

SCRep. 1733 Water and Land on H.C.R. No. 70

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to lease a portion of state submerged lands at Kaneohe Bay, Kaneohe, Oahu, at public auction for recreational boat pier purposes.

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 (BLNR) may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee finds that at its meeting on January 8, 2021, under agenda item J-2, the BLNR, subject to conditions, approved a grant of a fifty-five year lease of approximately 3.3648 acres of submerged lands seaward of Tax Map Key: (1)4-4-022:032, Kaneohe Bay, Kaneohe, Oahu, for non-commercial boat pier purposes, by public auction. Your Committee concludes that the lease is necessary for the use, repair, and maintenance of the existing pier.

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 H.C.R. No. 70, and recommends that it be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committee.

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

SCRep. 1734 Water and Land on H.C.R. No. 89

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Wailea, Maui, for beach access stairway purposes.

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 (BLNR) 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 at its meeting on January 22, 2021, under agenda item D-5, the BLNR, subject to conditions, approved the issuance of a twenty-five-year term, non-exclusive easement to the Association of Apartment Owners of Wailea Elua for beach access stairway purposes. Your Committee concludes that the easement is necessary for continued public access for beach and offshore recreational activities at Ulua Beach.

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 H.C.R. No. 89, H.D. 1, and recommends that it be referred to your Committee on Ways and Means.

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

SCRep. 1735 Water and Land on H.C.R. No. 103

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a perpetual, non-exclusive easement covering a portion of state submerged lands at Maunalua, Oahu, for the construction and maintenance of a rock rubble mound revetment and groin.

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 (BLNR) 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 at its meeting on June 12, 2020, under agenda item D-7, the BLNR, subject to conditions, approved the issuance of a perpetual, non-exclusive easement to the Hawaii Kai Marina Community Association for the replacement of the existing deteriorating sandbag groin with a new, larger, and permanent rock rubble mound revetment and groin. Your Committee concludes that the easement is necessary for the construction and maintenance of a rock groin to slow the rate of sediment deposition in the entrance channel of the Hawaii Kai Marina.

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 H.C.R. No. 103, H.D. 1, and recommends that it be referred to your Committee on Ways and Means.

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

SCRep. 1736 Water and Land on H.C.R. No. 166

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Kapaa, Kawaihau, Kauai, for the construction of a sandbag groin and for the use, repair, and maintenance of the improvements constructed thereon.

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 (BLNR) 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 at its meeting on March 25, 2021, under agenda item D-3, the BLNR, subject to certain conditions, approved the grant of a twenty-five-year, non-exclusive easement of 1,764 square feet for the replacement of an existing sandbag barrier with a sandbag groin. Your Committee concludes that the easement is necessary for the construction of the sandbag groin to slow littoral drift and the erosion of Kuhio Beach in Kapaa, Kauai.

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 H.C.R. No. 166, H.D. 2, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 166, H.D. 2, S.D. 1.

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

SCRep. 1737 Water and Land on H.C.R. No. 163

The purpose and intent of this measure is to request the Board of Land and Natural Resources to enter into a long-term water lease with the Wai'oli Valley Taro Hui for their existing use of water from Wai'oli Stream via direct negotiation, upon completion of the environmental impact statement process.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Wai'oli Valley Taro Hui, Hanalei Watershed Hui, National Tropical Botanical Garden, one member of the Kaua'i County Council, and twenty-four individuals.

Your Committee finds that the Wai'oli Valley Taro Hui (Hui) has been working diligently to maintain and perpetuate the historic mānowai (traditional instream diversion structure) and 'auwai (irrigation ditch) in Wai'oli, Kaua'i and its finite natural and cultural resources. Your Committee further finds that subjecting the Hui to competition at a public auction for a water lease is concerning, due to their limited financial resources. This measure would allow the Hui to negotiate directly with the Board of Land and Natural Resources for a water lease that would promote its traditional practice of lo'i kalo (taro cultivation) and expand community-based, cultural and agricultural education.

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 H.C.R. No. 163, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary, in the form attached hereto as H.C.R. No. 163, H.D. 1, S.D. 1.

Signed by the President on behalf of the Committee.

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

SCRep. 1738 Hawaiian Affairs on H.C.R. No. 11

The purpose and intent of this measure is to request the Hawaii State Commission on the Status of Women (Commission) to convene a task force to conduct a study on missing and murdered Native Hawaiian women and girls and to submit a report on the study to the Legislature.

Your Committee received testimony in support of this measure from the Judiciary, Department of Health, Office of Hawaiian Affairs, Hawai'i State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, Hawaii Children's Action Network Speaks!, Ma'i Movement Hawai'i, and five individuals.

Your Committee finds that missing and murdered native women is a human rights crisis that disproportionately affects indigenous peoples in the United States and Canada, notably those in Native American communities. A corresponding mass movement in the United States and Canada has worked to raise awareness of missing and native women and girls. In the United States, one in three native women is sexually assaulted during her life and sixty-seven percent of these assaults are perpetuated by non-natives.

Your Committee further finds that there are concerns about the high rate of sexual violence against Native Hawaiian women. Native Hawaiians represent the largest ethnic group among sex abuse victims and Native Hawaiian girls are over-represented among juvenile runaways. Until 2019, there was no comprehensive data on the prevalence of sex trafficking victimization among Native Hawaiians or the sex market in Hawaii. In 2019, the Commission reported that current over-representation of Native Hawaiian women and girls in sex trafficking may directly be linked to vulnerabilities exclusive to the Hawaiian community, such as land dispossession, exposure to sexual violence, hypersexualization, incarceration, cultural dislocation, intergenerational trauma, mental and emotional distress, racism, poverty, and ongoing inequities. Seventy-seven percent of twenty-two sex trafficking victims were Native Hawaiian and one hundred percent identified as women. Of three hundred sixty-three willing participants, twenty-seven percent of participants surveyed were identified as having been sexually trafficked, with sixty-four percent of trafficking victims trafficked before the age of eighteen.

The potential prevalence of sex trafficking, sexual exploitation, and sexual abuse of Native Hawaiians heightens concerns that Native Hawaiians, and particularly Native Hawaiian women and girls may be at a higher risk of being murdered or gone missing. More data is needed to understand and address the social and systemic contexts of violence against Native Hawaiian women and girls, including their murder or disappearance.

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 concurs with the intent and purpose of H.C.R. No. 11, H.D. 1, as amended herein, and recommends that it be referred to your Committees on Judiciary and Ways and Means, in the form attached hereto as H.C.R. No. 11, H.D. 1, S.D. 1.

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

SCRep. 1739 Transportation on H.C.R. No. 78

The purpose and intent of this measure is to request the Department of Transportation Services for the City and County of Honolulu to conduct a traffic safety analysis regarding the implementation of traffic calming systems along certain streets in the Waipahu area of Oahu.

Your Committee received testimony in support of this measure from Hawaii Bicycling League.

Your Committee finds that speeding is a significant safety issue for the residents of the State. The National Highway Safety Administration found that speeding was a factor in forty-four percent of all traffic fatalities in Hawaii in 2018. Therefore, it is in the public's interest for the Department of Transportation Services for the City and County of Honolulu to conduct a study regarding the feasibility of implementing traffic calming devices, such as raised crosswalks, speed bumps, and roundabouts to deter speeding and manage the flow of traffic.

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 H.C.R. No. 78, and recommends its adoption.

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

SCRep. 1740 Transportation on H.C.R. No. 37

The purpose and intent of this measure is to request the Department of Transportation and Department of Public Works of the County of Kauai to conduct a study to identify and make recommendations to alleviate traffic congestion at certain intersections along Kaumualii Highway in the County of Kauai.

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

Your Committee finds that the Kaumualii Highway in the County of Kauai is a vital transportation route for residents and visitors. It is located close to some of the area's largest employers as well as connects some of the most populous cities in the county. Consequently, traffic congestion has become a major problem at certain intersections along the highway. This traffic congestion has a negative impact on the quality of life for residents of Kauai. Your Committee finds that the importance of the highway and the negative impact that traffic congestion has on residents necessitates a study to identify and make recommendations for ways to alleviate the traffic issues.

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 concurs with the intent and purpose of H.C.R. No. 37, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 37, H.D. 1, S.D. 1.

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

SCRep. 1741 Transportation on H.C.R. No. 81

The purpose and intent of this measure is to urge the appropriate authorities to take every action necessary to address the safety risks and community disruption from tour helicopter and small aircraft operations.

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

Your Committee finds that tour helicopter and small aircraft operations constitute a significant risk to passengers and residents on the ground. Over the past five years tour helicopters and small aircraft operations in Hawaii accounted for nearly seventeen percent of the nation-wide accidents that prompted investigations by the National Transportation Safety Board. In one ten-month period spanning 2019 to 2020, twenty-three lives were lost in four separate tour helicopter or small aircraft accidents on Oahu and Kauai. Therefore, it is imperative that the United States Congress, Federal Aviation Administration, and the Hawaii Department of Transportation take every action necessary to address the safety risks from insufficient regulation of tour helicopters and small aircraft operations.

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 concurs with the intent and purpose of H.C.R. No. 81, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 81, H.D. 1, S.D. 1.

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

SCRep. 1742 Commerce and Consumer Protection on H.C.R. No. 45

The purpose and intent of this measure is to urge the United States Congress to grant additional authority to the Federal Communications Commission to stop unwanted and illegal robocalls.

Your Committee received testimony in support of this measure from two individuals.

Your Committee finds that robocalls are unsolicited prerecorded telemarketing calls made with the use of a computerized autodialer. Spoofing calls are telephone calls conducted with a deliberately falsified caller identification to disguise the identity of the number of the caller. Each year, United States consumers receive billions of robocalls, spoofing calls, and robocalls that employ spoofing technology. Your Committee further finds that the recent increase in the occurrence of robocalls has caused major consumer issues, as robocalls are often nefarious attempts to defraud consumers, typically older and vulnerable adults. Accordingly, heightened oversight and federal regulatory authority are urged to protect consumers.

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 and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 45, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 45, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 1743 Public Safety, Intergovernmental, and Military Affairs on H.C.R. No. 35

The purpose and intent of this measure is to urge the United States military to clean up munitions and explosives of concern in Hawaii under the Military Munitions Response Program.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Malu 'Aina, Ka Ohana O Na Pua, Hawai'i Peace and Justice, and three individuals.

Your Committee finds that certain areas of the Hawaiian Islands were used for military training exercises that resulted in large quantities of munitions and explosives being deposited in the ground. The Military Munitions Response Program provides a focused program to address the challenges presented at munitions response sites. Part of Bellows Air Force Base was previously used as an urban warfare training facility and is contaminated and unsuitable for use if the land is returned to the State. This measure urges the clean up of munitions and explosives on land formerly used for military training purposes, including Bellows Air Force Base, so that the land may be restored to allow residents of surrounding communities the ability to enjoy and make productive use of the land.

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 concurs with the intent and purpose of H.C.R. No. 35, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 35, S.D. 1.

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

SCRep. 1744 Public Safety, Intergovernmental, and Military Affairs on H.C.R. No. 171

The purpose and intent of this measure is to urge the Department of Public Safety to recognize the value of culture-based rehabilitation activities in the State's correctional system.

Your Committee received testimony in support of this measure from the Department of Public Safety, Office of Hawaiian Affairs, Koʻolauloa Hawaiian Civil Club, and fourteen individuals.

Your Committee finds that studies have shown that the criminal justice system disproportionately impacts Native Hawaiians and that proactive policies and oversight are needed to alter that pattern. Your Committee further finds that Native Hawaiian cultural practices and programs, can serve as tools for inmates to reclaim their dignity and reassert their connection to a sense of identity, and that culture-based rehabilitation activities should be encouraged and their value recognized. This measure encourages the Department of Public Safety to implement culture-based rehabilitation activities in the State's correctional system as a means to help alleviate the disproportionate burden of the criminal justice system on the Native Hawaiian community and provide for true healing and lasting rehabilitation

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 concurs with the intent and purpose of H.C.R. No. 171, H.D. 1, and recommends its adoption.

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

SCRep. 1745 Energy, Economic Development, and Tourism on H.C.R. No. 137

The purpose and intent of this measure is to request the Department of Business, Economic Development, and Tourism to compile a short list of Fortune 500 companies that could potentially relocate to the State.

Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the effects of the coronavirus disease (COVID-19) pandemic and resulting job loss in the tourism sector of the economy demonstrates the urgent need for business diversification in the State. Given the advances in technology and the way business is conducted in the modern age, there are many reasons for a company to relocate to Hawaii than ever before.

Your Committee further recognizes that identifying Fortune 500 companies that could potentially relocate to the State is an important step in finding solutions to overcome the negative impacts that COVID-19 has had on the State's economy as these companies are uniquely positioned to help spur economic recovery and jumpstart growth across the State.

Your Committee further finds that it is necessary to clarify that the businesses on the short list should exclude certain companies for which relocations would be imprudent or impracticable, but the short list should also include multi-national corporations that could potentially serve as a cornerstone for strengthening our local communities and revitalizing the State's economy by providing high-quality jobs and increasing employment rates and wages across the State.

Accordingly, your Committee has amended this measure by:

- (1) Adding multi-national corporations to the short list of potential businesses that could relocate to the State;
- (2) Excluding natural resource companies, non-renewable energy companies, and impracticable manufacturing companies from the short list of Fortune 500 companies that could potentially relocate to the State;
- (3) Amending the title to reflect the measure's 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 Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 137, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 137, H.D. 1, S.D. 1.

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

SCRep. 1746 Energy, Economic Development, and Tourism on H.C.R. No. 161

The purpose and intent of this measure is to support and adopt the goals set forth in the Digital Equity Declaration that was adopted by the Broadband Hui.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Education; Office of Hawaiian Affairs; Hawaii Workforce Development Council; University of Hawaii, John A. Burns School of Medicine; Department of Hawaiian Home Lands; Hawaii State Public Library System; Hawaii Community College; Oahu Economic Development Board; Kamehameha Schools; Hawaii Association of Independent Schools; Hawaii Foodbank; Aloha Care; Oʻahu County Democrats Digital Equity Committee; Hawaii Island Economic Development Board; Hawaii Dialogix Telecom; Hawaii Leeward Planning Conference; Economic Development Alliance of Hawaii; Hawaii Literacy, Inc.; Transform Hawaiii Government; Hawaiii Primary Care Association; Waipahu Safe Haven Immigrant Resource Center; Auamo Collaborative; Crystal Clear Communications; HawaiiKidsCAN; Maui Economic Opportunity, Inc.; KEY Project; LearningBond; Pacific International Center for High Technology Research; Code.org; Nakapuna Foundation; Tangent Systems; Skog Rasmussen LLC; Hawaiian Electric Company; Hawaii Consumers; Papa Ola Lōkahi; Michaels Management; and nineteen individuals. Your Committee received testimony in opposition to this measure from three individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that digital equity is the condition in which all Hawaii residents have the information technology capacity needed to participate fully in society, the democratic process, and the economy; including civics, social, and cultural activities; employment; lifelong learning; and access to essential services. Your Committee further finds that digital inequity has been a pressing community issue for many years, separating those individuals in rural communities and socio-economically disadvantaged circumstances from the rest of society through a lack of adequate broadband infrastructure, internet-capable devices, affordable broadband service, and technological knowledge. The Digital Equity Declaration establishes goals to reduce and overcome the digital inequity in the State and this measure acknowledges and supports the Declaration.

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 concurs with the intent and purpose of H.C.R. No. 161, H.D. 2, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1747 Energy, Economic Development, and Tourism on H.C.R. No. 84

The purpose and intent of this measure is to request that the Hawaii Community Foundation convene a working group to develop a public-private partnership model to prepare for Hawaii's post-pandemic recovery.

Your Committee received comments on this measure from the Legislative Reference Bureau and the Hawaii Community Foundation.

Your Committee finds that the COVID-19 pandemic has impacted Hawaii's communities and economy in unprecedented ways and that public, private, and non-profit organizations must work together to provide necessary assistance to address the complex and wide range of responses needed across the State. Your Committee further finds that multi-sector approaches during the pandemic led to significant and lasting results. This measure commits to collaborative and long-term engagement of multiple sectors of the community to develop strategies and macro-level models that the public and private sectors can embrace.

Your Committee also finds that amendments are necessary to clarify that the role of the Legislative Reference Bureau should be to work in collaboration with the Hawaii Community Foundation by conducting research, drafting proposed legislation, and assisting with the preparation of the report to support the working group's efforts to develop a public-private partnership model.

Accordingly, your Committee has amended this measure by:

- Clarifying that the Hawaii Community Foundation and the Legislative Reference Bureau are requested to conduct research, draft proposed legislation, and assist with the preparation of the report to the Legislature; 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 concurs with the intent and purpose of H.C.R. No. 84, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 84, S.D. 1.

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

SCRep. 1748 Hawaiian Affairs on H.C.R. No. 189

The purpose and intent of this measure is to urge the international and domestic reparation of Native Hawaiian art, cultural items, and iwi kupuna.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Kawaihapai Ohana, and four

Your Committee finds that the black-market trade of historic and cultural items constitutes one of the most persistent illegal trades in the world. Your Committee further finds that Native Hawaiian art, cultural items, iwi kupuna, and other historic artifacts, including the approximately five thousand items determined to be missing from 'Iolani Palace, have been subject to illegal theft and transfer out of the State. Further, thousands of iwi kūpuna, moepū, and culturally significant items remain in museum collections around the world. This measure seeks to address the loss of these important historical and cultural artifacts by urging the international and domestic repatriation of these items.

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 concurs with the intent and purpose of H.C.R. No. 189, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 189, H.D. 1, S.D. 1.

Signed by the President on behalf of the Committee.

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

SCRep. 1749 Agriculture and Environment on H.C.R. No. 27

The purpose and intent of this measure is to urge the Department of Health's Environmental Management Division to ensure that destinations to which the State's recyclable waste is transported for out-of-state processing abide by the environmental standards as outlined by the Basel Convention.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Food Industry Association, American Chemistry Council, and one individual.

Your Committee finds that the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) is a multilateral environmental agreement that establishes standards for the transboundary movement of hazardous waste and solid waste, including notice to and written confirmation from the receiving country prior to export, and seeks to protect human health and the environment from the adverse effects of hazardous wastes. The end-of-life processing for recyclable plastics and waste in many of the countries in which Hawaii's recyclable waste ultimately arrives are handled in a manner that is harmful to human health and local environments. Thereby, your Committee finds that it is necessary to ensure that the destinations to which the State's recyclable waste is transported for out-of-state processing abides by the environmental standards outlined in the Basel Convention.

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 Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 27, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 27, S.D. 1.

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

SCRep. 1750 Labor, Culture and the Arts on H.C.R. No. 169

The purpose and intent of this measure is to urge the Department of Labor and Industrial Relations to convene a working group to improve access to government services for immigrants and increase immigrant opportunities to make civic and economic contributions to the community.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; Office of Community Services; Office of Language Access; Hawai'i Coalition for Immigrant Rights; Interagency Council for Immigrant and Refugee Services, Inc.; Ethnic Education Hawai'i; Goodwill Hawaii; Hawaii Foodbank, Inc.; Hawai'i Friends of Civil Rights; and three individuals.

Your Committee finds that Hawaii's history, with its sugar and pineapple industries being reliant on immigrant laborers from Asia and the Pacific region, is inextricably interlinked with immigration. The immigrant population continues to be crucial for the State, and according to an April 2018 report titled "Hawaii's Working Population: An Analysis by Industry 2012-2016" issued by the Department of Business, Economic Development, and Tourism (DBEDT), twenty-two percent of Hawaii's working population during the 2012-2016 period were born in foreign countries. According to an April 2016 DBEDT report titled "Non-English Speaking Population in Hawaii", during the 2002-2014 period, 25.3 percent of people in the State aged five years and older spoke a language other than English at home, of which 18.9 percent spoke English "not well" or "not at all." The report found that due to lack of proficiency in English, earnings of non-English speakers were ten to thirty-four percent lower than that of English-only speakers, despite having the same education, experience, race, gender, and similar occupations. The report also noted that language deficiency impedes efficient delivery of public services, and thus, in 2000, a federal executive order was signed to require federal agencies to identify the need for services to those with limited English proficiency (LEP) and develop and implement a system to provide meaningful access to language assistance services.

Your Committee finds that in 1985, the Legislature established the Office of Community Services (OCS) as an agency administratively-attached to the Department of Labor and Industrial Services to assist disadvantaged persons, refugees, and immigrants to overcome workforce barriers to economic self-sufficiency through an array of community-based programs and services. Your Committee notes OCS's testimony regarding its various programs, its progress, and constraints due to budgetary limitations. Your Committee also notes concerns raised in testimony regarding the State's inability to properly serve the LEP communities during the coronavirus disease 2019 pandemic, and repeated citations by the U.S. Department of Justice and federal courts regarding the State's failure to ensure meaningful access to services by LEP persons. Your Committee believes this measure will assist OCS in obtaining the necessary information and input to enable the State's immigrant community better access to government services.

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 concurs with the intent and purpose of H.C.R. No. 169, and recommends its adoption.

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

SCRep. 1751 Higher Education on Gov. Msg. No. 778

Recommending that the Senate advise and consent to the nomination of the following:

CENTER FOR NURSING ADVISORY BOARD

G.M. No. 778 ARTHUR SAMPAGA, JR., for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Arthur Sampaga, Jr., for service on the Center for Nursing Advisory Board.

Your Committee received testimony in support of the nomination for the reappointment of Mr. Sampaga from the Hawai'i State Center for Nursing.

Upon review of the testimony and Mr. Sampaga's qualifications, your Committee finds that Mr. Sampaga is a registered nurse in the State of Hawaii. He earned a Master of Science in Nursing degree with Nursing Management and Organizational Leadership Specialization from Grantham University; Bachelor of Science in Nursing degree from the University of Hawaii at Hilo; Associate in Science degree in Nursing from Hawaii Community College; Emergency Medical Technician Certificate of Competence from Kapiolani Community College; and Certificate of Achievement in Practical Nursing from Hawaii Community College. Your

Committee notes that Mr. Sampaga has been serving on the Center for Nursing Advisory Board since 2019 and is being nominated for reappointment as a member who is a nursing executive.

Mr. Sampaga is currently the Chief Nursing Officer and Assistant Administrator at the Hilo Medical Center where he is responsible for preparing Nursing Director reports; strategic planning, quality and safety control, staffing, budgeting, and financial planning; staff development through clinical education; community relations and inter department activities; ensuring regulatory compliance and preparing for surveys by review agencies. His responsibilities also include serving as HMC's Emergency Management Director and Incident Commander.

According to the Center for Nursing, Mr. Sampaga has been a longstanding partner of the Center, working to expand its projects and programs to the island of Hawaii, which resulted in improved engagement by other neighbor islands. For example, Mr. Sampaga has led the initiative to bring the Center's evidence-based practice program to Hilo. He also assisted the Hawai'i Nurse Residency Program Collaborative in negotiating programmatic advancements to improve access to their programs by neighbor island nurses and introduce specialty transition-to-practice programs for the first time in the State on a widespread basis. Due to this initiative, two in every five nurse residents and preceptor pairs are employed by a neighbor island facility. This is an incredible improvement in equity and access to professional development services for nurses across the State.

Your Committee finds that Arthur Sampaga, Jr.'s professional experience and knowledge as a registered nurse, HMC's Chief Nursing Officer and Assistant Administrator, service in the Hawaii Army National Guard Medical Command, leadership, and commitment to the professional development of nurses in Hawaii will continue to be valuable assets for the Board.

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. 1752 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 547

Recommending that the Senate advise and consent to the nomination of the following:

HAWAII ADVISORY COUNCIL ON EMERGENCY MANAGEMENT

G.M. No. 547 GLENDA STREUFERT, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Glenda Streufert for service on the Hawaii Advisory Council on Emergency Management.

Your Committee received testimony in support of the nomination for the appointment of Glenda Streufert from the Hawaii Emergency Management Agency.

Upon review of the testimony, your Committee finds that Dr. Streufert's knowledge, experience, and many accomplishments qualify her to be nominated to the Hawaii Advisory Council on Emergency Management. Your Committee further finds that Dr. Streufert has over forty-five years in various positions relating to psychology or the military. Notably, Dr. Streufert was previously the Director and Manager for the Kauai County Civil Defense Agency until becoming a member of the Kauai County Planning Commission from 2015 to the present. Your Committee also notes that Dr. Streufert has served in numerous leadership roles throughout her career on the local and federal levels and has also been involved in many community activities over the years and is the author of numerous articles and published works in both English and German. Your Committee therefore recommends that Dr. Streufert be appointed to the Hawaii Advisory Council on Emergency Management based on her knowledge, experience, leadership, and dedication to the public.

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, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1753 Labor, Culture and the Arts on Gov. Msg. Nos. 524, 692, 693, and 706

Recommending that the Senate advise and consent to the nominations of the following:

KING KAMEHAMEHA CELEBRATION COMMISSION

G.M. No. 524 SHELLEY PE'A, for a term to expire 06-30-2024;

G.M. No. 692 TREVOR DAINES, for a term to expire 06-30-2025;

G.M. No. 693 KEHAULANI KEANAAINA, for a term to expire 06-30-2025; and

G.M. No. 706 DESIREE CRUZ, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Shelley Pe'a, Trevor Daines, Kehaulani Keanaaina, and Desiree Cruz for service on the King Kamehameha Celebration Commission (Commission).

Your Committee notes that the Commission was established pursuant to section 8-5, Hawaii Revised Statutes, to manage all arrangements for the celebration of King Kamehameha I Day that is generally observed throughout the State on June 11 each year, and support any other events as it may approve to commemorate the memory of King Kamehameha I.

Section 8-5(a), Hawaii Revised Statutes, requires the Commission to have fifteen members who are appointed by the Governor, with one member representing each of the following organizations or islands:

- (1) Royal Order of Kamehameha I;
- (2) 'Ahahui Ka'ahumanu;
- (3) Hale O Na Ali'i O Hawai'i 'Ahahui Po'o;
- (4) Daughters and Sons of Hawaiian Warriors Mamakakaua;
- (5) Kamehameha Schools Alumni Association;
- (6) Association of Hawaiian Civic Clubs;
- (7) Waimanalo Hawaiian Homes Association;
- (8) Daughters of Hawaii;
- (9) Kapahulu Music Club;
- (10) Papakolea Community Association;
- (11) Island of Kaua'i;
- (12) Island of Lana'i;
- (13) Island of Maui;
- (14) Island of Moloka'i; and
- (15) Island of Hawai'i.

Under the statute, each organization must maintain a certificate of good standing issued by the Department of Commerce and Consumer Affairs and an active membership list. Each organization may recommend for appointment to the Commission, an individual capable of providing administrative guidance regarding knowledge of Hawaiian culture, history and protocols, legal issues, business, accounting, marketing, philanthropy, or public relations. The statute also requires that members who represent the islands to be a resident of the island they represent and be able to and provide the Commission with administrative guidance on issues pertaining to law, business, accounting, marketing, philanthropy, or public relations.

SHELLEY PE'A

Your Committee received testimony in support of the nomination for the reappointment of Shelley Pe'a from the Commission.

Upon review of the testimony and Ms. Pe'a's qualifications, your Committee finds that Ms. Pe'a has been employed by Kamehameha Schools as its Ho'okahua – Cultural Specialist II since January 2014. Ms. Pe'a has a Master of Education degree from Chaminade University of Honolulu and a Bachelor's degree in Elementary Education from Brigham Young University - Hawai'i. Prior to her employment with Kamehameha Schools, Ms. Pe'a was a teacher at Ke Kula 'o Samuel M. Kamakau, Laboratory Public Charter School in Kaneohe, Hawaii for over thirteen years. Ms. Pe'a has also volunteered for over ten years at the King Kamehameha and Aloha Festivals parades.

Your Committee notes that Ms. Pe'a has been serving on the Commission since 2017 as a representative of the Association of Hawaiian Civic Clubs and if reappointed, will serve in the same capacity. As of March 12, 2021, the organization maintains a certificate of good standing with the Department of Commerce and Consumer Affairs.

Your Committee finds that Shelley Pe'a's experience and knowledge in education, Hawaiian culture, and community service will continue to be valuable assets to the Commission.

TREVOR DAINES

Your Committee received testimony in support of the nomination for the reappointment of Trevor Daines from the Commission and Royal Order of Kamehameha I, Hawai'i Chapter.

Upon review of the testimony and Mr. Daines' qualifications, your Committee finds that Mr. Daines is currently the Director of Culture and Product Development for the Hawaii Visitors and Convention Bureau (HVCB), a nonprofit organization whose sole purpose is to promote the Hawaii islands throughout North America. Mr. Daines' previous work experiences include Director of Sales with the Oahu Visitors Bureau and Cultural Advisor for the HVCB. Mr. Daines also has an extensive history of community service. He currently serves as an Officer of the Royal Order of Kamehameha I and as a member of the Hawaiian Civic Club of Honolulu, and has served in the past as a board member of the Native Hawaiian Hospitality Association; board member of the Friends of 'Iolani Palace; President of the Hospitality Sales and Marketing Association, Hawai'i Chapter; and board member of the Hawai'i Business Travel Association.

Your Committee notes that Mr. Daines served on the Commission from 2007 to 2011, during which he was its Chairperson for the final two years. He was reappointed to the Commission in 2017 and has been serving as its Chairperson since then. Mr. Daines serves on the Commission as a representative of the Royal Order of Kamehameha I, and if reappointed, will continue to serve in the same capacity. As of March 12, 2021, the organization maintains a certificate of good standing with the Department of Commerce and Consumer Affairs

Your Committee finds that Trevor Daines' experience and knowledge in Hawaiian culture, leadership skills, and strong commitment to public service will continue to be valuable assets to the Commission.

KEHAULANI KEANAAINA

Your Committee received testimony in support of the nomination for the appointment of Kehaulani Keanaaina from the Commission and Daughters of Hawai'i.

Upon review of the testimony and Ms. Keanaaina's qualifications, your Committee finds that Ms. Keanaaina's professional expertise and knowledge in generating and curating business through networking and prospecting qualify her to be nominated for appointment to the Commission. Ms. Keanaaina has been a licensed realtor with Wailea Realty Corporation dba Windermere Real Estate in Kailua-Kona since 2018. As a licensed realtor, Ms. Keanaaina analyzes market trends, conditions, and activities to accurately

advise clients and develop competitive market proposals. Her previous positions include General Manager, Operational Manager, Specialty Sales Assistant Store Manager, and Sales Specialist with The Home Depot in Oregon. Your Committee notes that Ms. Keanaaina has a Bachelor of Science degree in Housing Studies from Oregon State University.

If appointed to the Commission, Ms. Keanaaina will serve as a member representing the Daughters of Hawai'i. As of March 12, 2021, the organization maintains a certificate of good standing with the Department of Commerce and Consumer Affairs.

Your Committee finds that Kehaulani Keanaaina's expertise and knowledge in analyzing market trends and generating and curating business through networking and prospecting will be valuable assets to the Commission.

DESIREE CRUZ

Your Committee received testimony in support of the nomination for the reappointment of Desiree Cruz from the Commission.

Upon review of the testimony and Ms. Cruz's qualifications, your Committee finds that Ms. Cruz is currently the owner and director of Desiree Models and Talent, where she provides promotional and management services to entertainers and cultural practitioners in Hawaii, sales and marketing services for the hospitality and visitor industry, and coordinates public and corporate events. Ms. Cruz has previously served as a staff member for the East Hawaii District Office in the Department of Hawaiian Home Lands, Senior Community Outreach Specialist for the Native Hawaiian Roll Commission, Sales Specialist with the Big Island Visitors Bureau, and Prublic Relations Specialist with the County of Hawai'i Mayor's Office. Her community services include serving as a board member of the Hilo Community Players, board member of the Volcano Art Center, Program Coordinator with the Hula Arts at Kilauea, and President of the Pauka'a Community Association.

Your Committee notes that Ms. Cruz currently serves on the Commission as a representative of the Island of Hawai'i, and if reappointed, will continue to serve in the same capacity.

Your Committee finds that Desiree Cruz's experience and knowledge in business, sales and marketing, the hospitality and visitor industry, promotional and management services, and government services will continue to be valuable assets to the Commission.

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, 3. Noes, none. Excused, 2 (Keohokalole, Fevella).

SCRep. 1754 Water and Land on Gov. Msg. Nos. 562 and 563

Recommending that the Senate advise and consent to the nominations of the following:

COMMISSION ON WATER RESOURCE MANAGEMENT

G.M. No. 562 PAUL MEYER, for a term to expire 06-30-2025; and

G.M. No. 563 AURORA KAGAWA-VIVIANI, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Paul Meyer and Aurora Kagawa-Viviani for service on the Commission on Water Resource Management.

PAUL MEYER

Your Committee received testimony in support of the nomination for the reappointment of Paul Meyer from the Department of Land and Natural Resources, Commission on Water Resource Management, Haleakala Ranch, and three individuals.

Upon review of the testimony, your Committee finds that Mr. Meyer's professional experience, proven leadership, and commitment to public service qualify him for consideration for reappointment to the Commission on Water Resource Management. Your Committee notes that Mr. Meyer was the Deputy Director of the Department of Water Supply of the County of Maui from 2010 to 2017. Your Committee further notes that Mr. Meyer was also the Executive Vice President of Finance and Administration for Maui Land and Pineapple, Inc. for twenty-three years, where he managed the company's watershed conservation efforts, along with its private and semi-private surface water systems, irrigation systems, and punawais (springs). Your Committee further finds that Mr. Meyer has served on the Commission on Water Resource Management since 2017 and his thorough understanding of the roles and responsibilities of its members continues to enhance the effectiveness of the Commission on Water Resource Management. His extensive and substantial water conservation and water resource management experience will continue to be assets to the Commission on Water Resource Management. Your Committee therefore recommends that Paul Meyer be reappointed to the Commission on Water Resource Management based on his experience, knowledge, and commitment to public service.

AURORA KAGAWA-VIVIANI

Your Committee received testimony in support of the nomination for the appointment of Aurora Kagawa-Viviani from the Department of Land and Natural Resources, Commission on Water Resource Management, Office of Hawaiian Affairs, Kuaʻāina Ulu ʻAuamo, ʻĀina Aloha Economic Futures, Sierra Club of Hawaiʻi, Prince Kūhiō Hawaiian Civic Club, Ke One O Kākuhihewa, and twenty-three individuals.

Upon review of the testimony, your Committee finds that Dr. Kagawa-Viviani's background and desire to serve the public qualify her to be appointed to the Commission on Water Resource Management as a member with substantial expertise in traditional Hawaiian water resource management techniques and riparian usage, pursuant to section 174C-7, Hawaii Revised Statutes. Dr. Kagawa-Viviani is currently a Postdoctoral Researcher and Lecturer at the University of Hawaii at Manoa Department of Geography and Environment, where she teaches a course titled "Water and Society". Your Committee notes that Dr. Kagawa-Viviani earned a Doctorate from the University of Hawaii at Manoa in Geography and Environment; a Master of Science from the University of Hawaii at Manoa in

Botany with a specialization in Ecology, Evolution, and Conservation Biology; and a Bachelor of Science from the Massachusetts Institute of Technology in Environmental Engineering. Your Committee further notes that Dr. Kagawa-Viviani's thesis was regarding the variation in species and stand level water use for native forest and non-native timber plantation in Hōnaunau, Hawaii. Dr. Kagawa-Viviani is an active member in professional organizations, such as the American Geophysical Union. Your Committee further finds that Dr. Kagawa-Viviani has an understanding of the role and responsibilities of board members and her extensive experience in tropical vegetation and indigenous ecohydrology will enhance the effectiveness of the Commission on Water Resource Management. Your Committee therefore recommends that Aurora Kagawa-Viviani be appointed to the Commission on Water Resource Management based on her knowledge, background, and desire to serve 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 (Fevella).

SCRep. 1755 Water and Land on Gov. Msg. Nos. 564 and 565

Recommending that the Senate advise and consent to the nominations of the following:

LEGACY LAND CONSERVATION COMMISSION

G.M. No. 564 BERYL BLAICH, for a term to expire 06-30-2025; and

G.M. No. 565 CHRISTIANE LUCAS, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Beryl Blaich and Christiane Lucas for service on the Legacy Land Conservation Commission.

BERYL BLAICH

Your Committee received testimony in support of the nomination for the reappointment of Beryl Blaich from the Department of Land and Natural Resources, one member of the State House of Representatives, one member of the Kaua'i County Council, The Trust for Public Land, and five individuals.

Upon review of the testimony, your Committee finds that Ms. Blaich's experience and dedication to serving the public qualify her for reappointment to the Legacy Land Conservation Commission as a member possessing scientific qualifications as evidenced by an academic degree in wildlife or marine biology, botany, forestry, ecology, resource management, biogeography, zoology, or geology, pursuant to section 173A-2.4, Hawaii Revised Statutes. Your Committee further finds that Ms. Blaich earned her Master's degree from the University of Hawaii in Urban and Regional Planning, an interdisciplinary program that encompasses subjects such as community planning, environmental planning and sustainability, historic preservation, land use development, and resource management. Your Committee notes that Ms. Blaich is an active member in professional and community organizations, including service on the Kauai Island Council of the Hawaiian Islands Land Trust since 2011, and the Board of Directors for the Mānoa Valley Cultural Heritage Foundation and Kuali'i Foundation and Mālama Māhā'ulepū since 1996 and 2014, respectively. Your Committee also finds that Ms. Blaich has served on the Legacy Land Conservation Commission since 2019, and her thorough understanding of the roles and responsibilities of its members continues to enhance the effectiveness of the Legacy Land Conservation Commission. Your Committee therefore recommends that Beryl Blaich be reappointed to the Legacy Land Conservation Commission based on her knowledge, experience, and desire to contribute to the community.

CHRISTIANE LUCAS

Your Committee received testimony in support of the nomination for the reappointment of Christiane Lucas from the Department of Land and Natural Resources, The Trust for Public Land, Hui o Hoʻohonua, Maunalua Fishpond Heritage Center, and eight individuals. Your Committee received comments on the nomination for the reappointment of Christiane Lucas from one individual.

Upon review of the testimony, your Committee finds that Ms. Lucas' experience and dedication to serving the public qualify her for reappointment to the Legacy Land Conservation Commission as a member of an environmental organization organized in the State, pursuant to section 173A-2.4, Hawaii Revised Statutes. Ms. Lucas is currently the Program Manager of the Takai Transition Center Network for Hawaii 3Rs and a Legislative Aide for State Representative Gregg Takayama. Your Committee further notes that Ms. Lucas has a thorough understanding of the roles and responsibilities of board members as she has served on the Legacy Land Conservation Commission since 2019. Your Committee further finds that Ms. Lucas has served on the Board of Directors for the Maunalua Fishpond Heritage Center since 2007. Ms. Lucas' experience and knowledge will continue to be assets to the Legacy Land Conservation Commission. Your Committee therefore recommends that Christiane Lucas be reappointed to the Legacy Land Conservation Commission based on her 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, 5. Noes, none. Excused, none.

SCRep. 1756 Water and Land on Gov. Msg. Nos. 528, 529, and 530

Recommending that the Senate advise and consent to the nominations of the following:

LAND USE COMMISSION

- G.M. No. 528 NANCY CABRAL, for a term to expire 06-30-2025;
- G.M. No. 529 DAN GIOVANNI, for a term to expire 06-30-2025; and
- G.M. No. 530 GARY OKUDA, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Nancy Cabral, Dan Giovanni, and Gary Okuda for service on the Land Use Commission.

NANCY CABRAL

Your Committee received testimony in support of the nomination for the reappointment of Nancy Cabral from the Land Use Commission, Ashford & Wriston, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Cabral's professional experience, background, and proven leadership on the Land Use Commission qualify her for consideration for reappointment to the Land Use Commission as a member from Hawaii County, pursuant to section 205-1, Hawaii Revised Statutes. Your Committee notes that Ms. Cabral has been a real estate agent since 1979. She is not only the owner of both Coldwell Banker Day-Lum Properties and Day-Lum Rentals and Management, Inc., the largest property management company on Hawaii Island, but also was appointed as a property manager for the Third Circuit Court. Your Committee further notes that Ms. Cabral has a thorough understanding of the role and responsibilities of board members as she has served on the Board of Directors for both the Ku'ikahi Mediation Center and Hawaii Public Housing Authority and is currently a Vice Chair of the Land Use Commission. Your Committee further finds that Ms. Cabral has served on the Land Use Commission since 2015, and her service continues to enhance the effectiveness of the Land Use Commission. Your Committee therefore recommends that Nancy Cabral be reappointed to the Land Use Commission based on her knowledge on housing in Hawaii, diverse experience, and desire to contribute to the community.

DAN GIOVANNI

Your Committee received testimony in support of the nomination for the reappointment of Dan Giovanni from the Land Use Commission, Mayor of the County of Kaua'i, and three individuals.

Upon review of the testimony, your Committee finds that Mr. Giovanni's professional experience, background, and commitment to public service qualify him for consideration for reappointment to the Land Use Commission as a member from Kauai County, pursuant to section 205-1, Hawaii Revised Statutes. Your Committee notes that Mr. Giovanni has been an independent contractor since 2015, offering consulting services to the electric power industry. Previously, Mr. Giovanni was the Senior Vice President of Operations at Hawaiian Electric Company, Inc. Your Committee further notes that Mr. Giovanni has a thorough understanding of the role and responsibilities of board members as he has served on the Board of Directors for Enterprise Honolulu and currently, is not only on the Board of Directors for the Hawaii Chapter of the American Red Cross, but also the President of the Kaua'i Humane Society Board of Directors. Your Committee further finds that Mr. Giovanni's extensive experience in architecture, engineering, and electric utilities will continue to enhance the effectiveness of the Land Use Commission, especially on matters regarding utility-scale energy projects on agricultural lands. Your Committee therefore recommends that Dan Giovanni be reappointed to the Land Use Commission based on his background, knowledge in renewable energy, and desire to contribute to the community.

GARY OKUDA

Your Committee received testimony in support of the nomination for the reappointment of Gary Okuda from the Land Use Commission, Sierra Club of Hawai'i, Ashford & Wriston, and twenty-four individuals.

Upon review of the testimony, your Committee finds that Mr. Okuda's background as an attorney and dedication to public service qualify him for consideration for reappointment to the Land Use Commission as an at-large member. Your Committee notes that Mr. Okuda has practiced law in Hawaii for forty years, including the areas of property and land use law in private practice. Your Committee further finds that Mr. Okuda has served on the Land Use Commission since 2016, and his thorough understanding of the roles and responsibilities of its members continues to enhance the effectiveness of the Land Use Commission. Mr. Okuda's courtroom experience and legal knowledge will continue to be assets to the Land Use Commission. Your Committee therefore recommends that Gary Okuda 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 (Fevella).

SCRep. 1757 (Majority) Agriculture and Environment on Gov. Msg. Nos. 508, 509, and 510

Recommending that the Senate advise and consent to the nominations of the following:

ADVISORY COMMITTEE ON PESTICIDES

- G.M. No. 508 CYNTHIA REZENTES, for a term to expire 06-30-2023;
- G.M. No. 509 MATT LYUM, for a term to expire 06-30-2021; and
- G.M. No. 510 MATT LYUM, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Cynthia Rezentes and Matt Lyum for service on the Advisory Committee on Pesticides.

CYNTHIA REZENTES

Your Committee received testimony in support of the nomination for the reappointment of Cynthia Rezentes from the Department of Agriculture; Ponoholo Ranch Limited; Hawaii Cattlemen's Council, Inc.; Hawai'i Farm Bureau; and five individuals. Your Committee received testimony in opposition to the nomination for the reappointment from two individuals.

Upon review of the testimony, your Committee finds that Ms. Rezentes' background, experience, and dedication to public service qualify her for appointment to the Advisory Committee on Pesticides. Your Committee notes that Ms. Rezentes has served on the Committee since her appointment in 2017, where she has been integral in decision-making measures, such as the amendments to the regulation of pesticides and the addition of several pesticides, including clorpyrifos, to the list of state restricted pesticides. As a member of the Committee and the National Environmental Justice Advisory Committee, Ms. Rezentes has collaborated with various individuals in the academic, farming, corporate, and tribal arenas to understand the larger extent of effects of various pesticides in the environment.

Ms. Rezentes has diverse experience in the community, serving in multiple roles throughout the State, including the Nānākuli-Ma'ili Neighborhood Board No. 36, Waianae Coast Neighborhood Board No. 24, O'ahu Resource Conservation and Development Council, Ka Papa o Kakuhihewa Council, O'ahu Island Land Trust, Hawaiian Islands Land Trust, Mohala I Ka Wai, and Kealahou West O'ahu. Based on her knowledge, experience, and commitment to public service, your Committee finds that Ms. Rezentes will continue to be an asset to the Advisory Committee on Pesticides.

MATT LYUM

Your Committee received testimony in support of the nomination for the appointment and reappointment of Matt Lyum from the Department of Agriculture; Larry Jefts Farms, LLC; Ponoholo Ranch Limited; Hawaii Cattlemen's Council, Inc.; Hawai'i Farm Bureau. Inc.: and one individual.

Upon review of the testimony, your Committee finds that Mr. Lyum's background, experience, and dedication to public service qualify him for appointment to the Advisory Committee on Pesticides. Your Committee notes that Mr. Lyum has experience in the landscaping sector, including founding his own business, Performance Landscape, in 2002, an organization of over one hundred employees, all of whom are trained in Environmental Protection Agency Pesticide handler and worker protocols. Through Performance Landscape, Mr. Lyum maintains a restricted use pesticides (RUP) license and possesses a license to manufacture Filtrexx siltsoxx, which provides that he is properly trained on the proper use, handling, storage, and effect of pesticides. He previously served as the Chair of the Landscape Industry Council of Hawaii's Pesticide Certification Committee. Mr. Lyum's knowledge of pesticide regulations, use, and safety will be an asset to the Committee in its deliberations to assist the Department of Agriculture in developing or revising its rules to effectuate the purpose of chapter 149, Hawaii Revised Statutes.

Further, Mr. Lyum possesses additional professional experiences in aquaculture, organic waste management and recycling, and erosion control. He possesses a Bachelor of Science in Fisheries Biology from the University of Washington, providing him an understanding of chemicals and runoff on the environment. He is the former President of Waikalua Loko Fishpond Preservation and managed a compositing and renewable energy company for ten years. Your Committee further finds that based on his experience, knowledge, and desire to contribute to the community, Mr. Lyum will continue to be an asset to the Advisory Committee on Pesticides as a landscaping representative.

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.

For Gov. Msg. No. 508: Ayes, 3; Ayes with Reservations (Acasio). Noes, 1 (Fevella). Excused, 1 (Nishihara).

For Gov. Msg. Nos. 509 and 510: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 1758 Agriculture and Environment on Gov. Msg. Nos. 511 and 728

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF AGRICULTURE

G.M. No. 511 EN YOUNG, for a term to expire 06-30-2025; and

G.M. No. 728 RANDOLPH CABRAL, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by En Young and Randolph Cabral for service on the Board of Agriculture.

EN YOUNG

Your Committee received testimony in support of the nomination for the reappointment of En Young from the Department of Agriculture; Ponoholo Ranch Limited; Hawaii Cattlemen's Council, Inc.; Ulupono Initiative LLC; Hawai'i Farm Bureau; and one individual.

Upon review of the testimony, your Committee finds that Mr. Young's background, experience, and dedication to public service qualify him for reappointment to the Board of Agriculture. Your Committee finds that Mr. Young grew up in South Kona in what was the largest macadamia nut orchard in the world, giving him exposure to the agricultural field at a young age. Your Committee notes that he currently serves as the principal of Ke'ei Consulting, LLC dedicated to the improvement of food systems in the private and non-profit sectors, including advising on food safety and produce processing, non-profit program development, land use and supply chain development, workforce development and training, and farmer engagement and contract structure. 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. At The Food Basket, Mr. Young connected the demand created by the underfed with the supply excesses of local farms, allowing the State to create a model for incentivizing the consumption of fresh produce at all socioeconomic levels. Mr. Young has also previously served as the General Manager of Sensei Holdings, Inc., where he built a team to staff a modern hydroponic farm on Lanai. This experience allowed Mr. Young to train local workers in innovative agricultural skills, reexamine land use priorities, and consistently produce high quality farm products.

Your Committee further finds that Mr. Young serves as the Immediate Past Chair of the Hawaii Alliance of Non-Profit Organizations and previously served as the Director of the Hawaiii Public Health Institute, Director of the Hawaiii Public Housing Authority, Treasurer of the Hawaiii Economic Opportunity Council, and Founding Member of the Hawaiii Island Food Alliance. Your Committee notes that Mr. Young has served on the Board of Agriculture since 2020. 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 reappointed to the Board of Agriculture based on his knowledge, background, and dedication to public service.

RANDOLPH CABRAL

Your Committee received testimony in support of the nomination for the reappointment of Randolph Cabral from the Department of Agriculture; Agribusiness Development Corporation; Ponoholo Ranch Limited; Hawaii Aquaculture & Aquaponics Association; Larry Jefts Farms, LLC; Saiva Siddhanta Church; Mulkern Landscaping & Nursery; Hawaii Farm Bureau; Hawaii Cattlemen's Council, Inc.; McCandless Ranch; W.T. Haraguchi Farm, Inc.; Hikiola Cooperative; Molokai Farm Bureau; Ulupono Initiative LLC; Ag Matters; and twenty individuals.

Upon review of the testimony, your Committee finds that Mr. Cabral's background, experience, and dedication to public service qualify him for reappointment to the Board of Agriculture.

Your Committee notes that Mr. Cabral previously worked as the Senior Vice-President of Royal Hawaiian Orchards where he provided operational oversight of six thousand acres of macadamia orchards and two hundred employees for more than thirty years. Mr. Cabral's diverse professional background also includes experience in vegetable crops, sugar, and livestock production. He currently operates a small ranch on Hawaii Island, and serves as the President of the Hawai'i Farm Bureau. He also serves as a member of the Agricultural Leadership Foundation of Hawai'i, Hawaii Macadamia Nut Association, Hawaii Cattlemen's Association, Puna and Hawaii Association of Conservation Districts, and is a founding member of Kino'ole Farmers Market and Moa'ula Water Cooperative. Mr. Cabral has served on the Board of Agriculture since 2017. These experiences demonstrate that Mr. Cabral has various farming and ranching experiences in both large- and small-scale agricultural positions and knowledge in the operations of conventional, organic, and emerging technologies. Mr. Cabral brings outstanding leadership and stability to farming organizations.

Mr. Cabral has also served on non-agriculture related boards demonstrating his commitment to his community, including Crime Stoppers, Hawaii Island United Way, and the University of Hawaii Hilo Agriculture Advisory Board. Your Committee finds that in response to the COVID-19 pandemic, Mr. Cabral helped to coordinate the BRIDGES program on the island of Hawaii to feed tens of thousands of needy local families, while paying local producers for their fresh products. Mr. Cabral also assisted farmers on the island of Hawaii after the 2018 Kilauea eruptions. Based on his knowledge of Hawaii's diverse agricultural industries, experience, and commitment to public service, your Committee finds that Mr. Cabral will continue to be an asset to the Board of Agriculture.

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 (Nishihara).

SCRep. 1759 Agriculture and Environment on Gov. Msg. Nos. 634 and 635

Recommending that the Senate advise and consent to the nominations of the following:

ENVIRONMENTAL COUNCIL

G.M. No. 634 THERESITA KINNAMAN, for a term to expire 06-30-2024; and

G.M. No. 635 DAWN HEGGER-NORDBLOM, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Theresita Kinnaman and Dawn Hegger-Nordblom for service on the Environmental Council.

THERESITA KINNAMAN

Your Committee received testimony in support of the nomination for the reappointment of Theresita Kinnaman from the State Environmental Council and one individual.

Upon review of the testimony, your Committee finds that Ms. Kinnaman's background, experience, and dedication to public service as an advocate for community needs and conservation qualify her for reappointment to the Environmental Council. Ms. Kinnaman has served on the Environmental Council since 2017, where she has provided important perspective from and representation for neighbor islands. During her tenure, Ms. Kinnaman testified and participated in numerous state and county hearings to advocate for natural and cultural environmental protections and worked with fellow members of the Environmental Council to promulgate new rules for environmental impact statements.

Your Committee notes that Ms. Kinnaman is Secretary of the cultural non-profit organization Hui Malama o Kāneiolouma and has served on the County of Kauai Open Space Commission, National Tropical Botanical Gardens Lāwa'i Kai Resource Advisory

Committee, and Koloa Community Association Board of Directors, where she has worked with community groups to balance the management of cultural and natural resources with desires to see areas used for conservation research, education, and appropriate recreation. Your Committee finds that Ms. Kinnaman has the experience, knowledge, and desire to contribute to the community and will continue to be an asset to the Environmental Council.

DAWN HEGGER-NORDBLOM

Your Committee received testimony in support of the nomination for the reappointment of Dawn Hegger-Nordblom from the State Environmental Council and four individuals.

Upon review of the testimony, your Committee finds that Ms. Hegger-Nordblom's background, experience, and dedication to public service as an advocate for community needs and conservation qualify her for reappointment to the Environmental Council. Ms. Hegger-Nordblom has served on the Environmental Council as an interim appointee since November 2020. She has extensive experience as a planner working with federal, state, and local agencies in the private sector and as a former state employee, which has provided valuable contributions to the Environmental Council's discussions and roles. She has assisted in streamlining the administrative rules under the Environmental Council's purview and seeks to work with professionals and community members through quarterly education sessions on chapter 343, Hawaii Revised Statutes.

Ms. Hegger-Nordblom owns Ke Kai Planning LLC, an urban planning, permitting, and consulting service, through which she has familiarity with the National Environmental Policy Act, Hawaii Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, Clean Water Act, and Clean Air Act. She has experience working with the Department of Defense, Department of Land and Natural Resources' Office of Conservation and Coastal Lands, City and County of Honolulu's Authority for Rapid Transit, and Hawaii National Guard and she has reviewed numerous environmental assessments and environmental impact statements. She has also worked with neighbor island communities in processing enforcement cases in Haena, Kauai, delivering additional farm dwelling agreement applications in Kailua-Kona, Hawaii, and preparing permitting procedures for the Olowalu Farm Project in Lahaina, Maui. She also possesses strengths in community planning, marine and terrestrial environments, and climate change, which is critical in ensuring the State meets its ambitious climate goals. Based on her knowledge, experience, and commitment to public service, your Committee finds that Ms. Hegger-Nordblom will continue to be an asset to the Environmental Council

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 (Nishihara).

SCRep. 1760 Agriculture and Environment on Gov. Msg. No. 512

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF DIRECTORS OF THE AGRIBUSINESS DEVELOPMENT CORPORATION

G.M. No. 512 GLENN HONG, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Glenn Hong for service on the Board of Directors of the Agribusiness Development Corporation.

Your Committee received testimony in support of the nomination for the appointment of Glenn Hong from the Department of Agriculture; Agribusiness Development Corporation; Matson; Larry Jefts Farms, LLC; Ponoholo Ranch Limited; Hawaii Cattlemen's Council, Inc.; Hawaii Farm Bureau; The Maritime Group; Scott E. Enright Company LLC; and two individuals.

Upon review of the testimony, your Committee finds that Mr. Hong's background, experience, and dedication to public service qualify him for appointment to the Board of Directors of the Agribusiness Development Corporation. Your Committee finds that Mr. Hong formerly served two terms on the Board of Agriculture. Mr. Hong's service on the Board of Agriculture provides him an understanding of the Department of Agriculture and Agribusiness Development Corporation's roles in promoting commercial agriculture growth. During his tenure, Mr. Hong developed an understanding of the need to move toward greater food security in agriculture, especially considering Hawaii's geographic location and prior history as a self-sufficient society. Mr. Hong is dedicated to building a robust agricultural industry based on product diversity, and entrepreneurship, supportive of employment growth, agricultural land preservation, watershed protection, and broad-based community development.

Your Committee finds that Mr. Hong has previously offered his professional experience and background in fiscal administration, governmental relations, strategic planning, employment initiatives, resource allocation, and the maritime and transportation industries. These experiences have broadened his ability to ask pertinent questions, identify potential options, and guide organizations toward desired outcomes. As the former President of Young Brothers Limited, an inter-island cargo common carrier, Mr. Hong provided incentives for Hawaii's local farmers and ranchers with discounted agricultural rates and implemented responsible management practices to prevent the interisland movement of invasive species. Under his leadership, Young Brothers has undergone fleet modernization initiatives to meet statewide cargo needs.

According to testimony, Mr. Hong consistently demonstrates his commitment to teamwork, takes initiative, possesses strong analytical skills, and remains committed to his principles with the highest degree of ethics and diplomacy. His experience with small businesses, marketing, and management will contribute significantly to the Board of Directors of the Agribusiness Development Corporation's efficiency and ability to concentrate on critical issues.

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 (Nishihara).

SCRep. 1761 Agriculture and Environment on Gov. Msg. No. 687

Recommending that the Senate advise and consent to the nomination of the following:

ENDANGERED SPECIES RECOVERY COMMITTEE

G.M. No. 687 LISA SPAIN, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Lisa Spain for service on the Endangered Species Recovery Committee.

Your Committee received testimony in support of the nomination for the reappointment of Lisa Spain from the Department of Land and Natural Resources and seven individuals.

Upon review of the testimony, your Committee finds that Ms. Spain's background, experience, and dedication to public service qualify her for reappointment to the Endangered Species Recovery Committee. Ms. Spain has served on the Endangered Species Recovery Committee since 2018, where she has been tasked with reviewing safe harbor agreements, habitat conservation plans, and incidental take licenses under chapter 195, Hawaii Revised Statutes.

Your Committee notes that Ms. Spain has spent the last twenty-four years committed to conservation in Hawaii. She holds a Bachelor's degree and Master's degree in Zoology with a focus on Ecology, Evolution, and Conservation Biology and an Executive Master of Business Administration degree, providing a combination of natural resource experience with administrative knowledge. She currently serves as the Deputy Director of the Imiloa Astronomy Center at the University of Hawaii at Hilo. As the former administrator of the Department of Land and Natural Resources' Division of Forestry and Wildlife, Ms. Spain has a significant working knowledge of the State's regulatory and permitting processes, especially with respect to endangered species issues, watershed protection, and environmental assessments. In that role, she participated in the Federal-State Joint Task Force on National Endangered Species Act Policy.

Your Committee finds that Ms. Spain is active in her community and has previously served on a number of boards and commissions, including the University of Hawaii Mauna Kea Management Board, Bishop Museum Business Plan Task Force, National Endangered Species Joint Task Force, and Friends of Hakalau Forest National Wildlife Refuge Endowment Committee. Your Committee finds that Ms. Spain's administrative background, motivation to protect and conserve the natural resources of Hawaii, knowledge, experience, and commitment to public service will continue to be an asset to the Endangered Species Recovery Committee. Your Committee therefore recommends that Ms. Spain be reappointed to the Endangered Species Recovery Committee based on her knowledge, leadership, integrity, and dedication.

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 (Nishihara).

SCRep. 1762 Agriculture and Environment on Gov. Msg. Nos. 752 and 753

Recommending that the Senate advise and consent to the nominations of the following:

MOLOKAI IRRIGATION SYSTEM WATER USERS ADVISORY BOARD

G.M. No. 752 NATHANIEL OSWALD, for a term to expire 06-30-2025; and

G.M. No. 753 FAITH TUIPULOTU, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Nathaniel Oswald and Faith Tuipulotu for service on the Molokai Irrigation System Water Users Advisory Board.

NATHANIEL OSWALD

Your Committee received testimony in support of the nomination for the appointment of Nathaniel Oswald from the Department of Agriculture; Larry Jefts Farms, LLC; Hawai'i Farm Bureau; and two individuals.

Upon review of the testimony, your Committee finds that Mr. Oswald's background, experience, and dedication to public service qualify him for appointment to the Molokai Irrigation System Water Users Advisory Board. Mr. Oswald currently owns Oswald Nursery Management, LLC and is the President of the Molokai County Farm Bureau. He previously was a production manager and research associate for Monsanto on Molokai, where he was responsible for daily operations and row crop nursey management, directly supervised all field crews, and gained knowledge in crop expectations and multi-season seed production. As an active farmer and user of the Molokai Irrigation System, Mr. Oswald is familiar with the needs and concerns of both users and the system and seeks to explore ways to maintain sustainable access to water. Therefore, your Committee finds that Mr. Oswald has the experience, knowledge, and desire to contribute to the community and will be an asset to the Molokai Irrigation System Water Users Advisory Board as the representative for the Molokai County Farm Bureau.

FAITH TUIPULOTU

Your Committee received testimony in support of the nomination for the reappointment of Faith Tuipulotu from the Department of Agriculture, Kalama'ula Mauka Homestead Association, one member of the House of Representatives, and three individuals.

Upon review of the testimony, your Committee finds that Ms. Tuipulotu's background, experience, and dedication to public service qualify her for appointment to the Molokai Irrigation System Water Users Advisory Board. Ms. Tuipulotu is a third-generation farmer on Molokai, President of the Molokai Homestead Farmers Alliance, and works with the University of Hawaii's College of Tropical Agriculture's Cooperative Extension Service assisting farmers with land preparation and crop production. She also owns Tuipulotu Organics LLC where she delivers papayas, butternut squash, and bun long taro. She is an Organic Inspector for the Hawaii Organic Farming Association and offers organic certification services to farmers throughout the State. Ms. Tuipulotu sees it as her duty to encourage future generations to learn about farming and assist the State in achieving its goals in doubling local food production. Therefore, your Committee finds that Ms. Tuipulotu has the experience, knowledge, and desire to contribute to the community and will be an asset to the Molokai Irrigation System Water Users Advisory Board as the representative for the Molokai-Lanai Soil and Water Conservation District.

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 (Nishihara, Fevella).

SCRep. 1763 Energy, Economic Development, and Tourism on Gov. Msg. No. 666

Recommending that the Senate advise and consent to the nomination of the following:

COMMUNITY-BASED ECONOMIC DEVELOPMENT AD VISORY COUNCIL

G.M. No. 666 TEENA RASMUSSEN, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Teena Rasmussen for service on the Community-Based Economic Development (CBED) Advisory Council.

Your Committee received testimony in support of the nomination for the appointment of Teena Rasmussen from the Department of Business, Economic Development, and Tourism.

Upon review of the testimony, your Committee finds that Ms. Rasmussen's background and experience qualify her for appointment to the CBED Advisory Council. Demonstrating her business acumen, Ms. Rasmussen founded and operated a floral agriculture company on Maui, which under her leadership, grew to become the largest lei flower farm in the State. Additionally, Ms. Rasmussen has an established history serving on various business-related commissions and councils. She served as the Director of the Office of Economic Development for Maui County, a position she held for eight years. During that time, she oversaw a portfolio of \$80 million. Additionally, Ms. Rasmussen served on the Small Business Administration Advisory Council, the Governor's Small Business Advisory Council, the Maui County Salary Commission, and the Maui Economic Development Board. In light of her cumulative decades of service in these positions, your Committee finds her to be qualified and recommends Teena Rasmussen for appointment to CBED Advisory Council.

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. 1764 Energy, Economic Development, and Tourism on Gov. Msg. No. 527

Recommending that the Senate advise and consent to the nomination of the following:

HAWAII GREEN INFRASTRUCTURE AUTHORITY

G.M. No. 527 RICHARD WALLSGROVE, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Richard Wallsgrove for service on the Hawaii Green Infrastructure Authority (HGIA).

Your Committee received testimony in support of the nomination for the appointment of Richard Wallsgrove from the Hawaii Green Infrastructure Authority; Hawaii State Energy Office; Department of Business, Economic Development, and Tourism; Hawaii Solar Energy Association; Hawaiian Electric Company; Blue Planet Foundation; and four individuals.

Upon review of the testimony, your Committee finds that Mr. Wallsgrove's background, experience, and dedication to clean energy qualify him for appointment to the HGIA. Mr. Wallsgrove has an impressive academic history, having received his Bachelor of Science degree from the University of California at Berkeley, Master's degree from the University of Hawaii at Manoa, and Juris Doctor degree from the William S. Richardson School of Law. Mr. Wallsgrove has a commitment to clean energy with many academic publications to his credit on subjects like solar energy, water resources, climate change, and wave power generation. He has worked as the policy director for Blue Planet Foundation, where he directed policy initiatives for clean energy advocacy. Currently, he is an assistant professor of law at the William S. Richardson School of Law, teaching courses on clean energy law. Your Committee therefore recommends that Richard Wallsgrove be appointed to the HGIA based on his extensive experience, knowledge, and willingness to serve the public.

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. 1765 Ways and Means on Gov. Msg. No. 750

Recommending that the Senate advise and consent to the nomination of the following:

TAX REVIEW COMMISSION

G.M. No. 750 WINSTON WONG, 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 resume submitted by Winston Wong for service on the Tax Review Commission.

Your Committee received testimony in support of the nomination of Winston Wong from the Department of Taxation and six individuals.

Upon review of the testimony and the nominee's qualifications, your Committee recognizes that Mr. Wong has significant experience in the fields of taxation, accounting, and law, currently serves as Vice President of the Hawaii State Bar Association's Tax Section, and is a well-respected and highly-regarded member of Hawaii's legal community.

As 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, 11. Noes, none. Excused, none.

SCRep. 1766 Energy, Economic Development, and Tourism on Gov. Msg. No. 667

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF DIRECTORS OF THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS

G.M. No. 667 DAVID DE LUZ JR, for a term to expire 06-30-2025

Your Committee reviewed the personal history and resume submitted by David De Luz, Jr. for service on the board of directors of the Pacific International Space Center for Exploration Systems.

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 experience qualify him for appointment to the board of directors of the Pacific International Space Center for Exploration Systems. Mr. De Luz is a well respected member of the Hilo community and his ideas and vision for boosting the economic recovery of the State will lend valuable insights to the Board. Born and raised in East Hawaii, Mr. De Luz received his degree in business administration from Creighton University and since 1986 has been working in the family business, David S. De Luz Sr. Enterprises, Inc., which operates Big Island Toyota, De Luz Chevrolet, Kukaiau Ranch, and Hawaii Beef Producers. Your Committee notes that Mr. De Luz has an established history serving the Big Island community on various boards and commissions, including Junior Achievement of Hawaii; Rotary Club of Hilo Bay; Boy Scouts of America, Aloha Council/Big Island; Crime Stoppers, East Hawaii Community FCU; County of Hawaii Department of Water Supply; and County of Hawaii Workforce Development Board, among many other local organizations. His commitment and dedication to the Big Island community and his reputation as a prominent member of the East Hawaii business community will be valuable assets to the board and therefore your Committee recommends that Mr. De Luz be appointed to the Board of Directors of the Pacific International Space Center for Exploration Systems.

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. 1767 (Joint) Agriculture and Environment and Water and Land on H.C.R. No. 69

The purpose and intent of this measure is to request the Department of Land and Natural Resources to submit a petition to list the pueo as a threatened or endangered species under the Endangered Species Act.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, University of Hawaii College of Tropical Agriculture and Human Resources, Kawaihapai Ohana, Hawaii's Thousand Friends, and three individuals.

Your Committees find that the pueo is a species endemic to Hawaii and an aumakua of Hawaiian families. Under the federal definitions, a species is listed as either an endangered or threatened species depending on its status and the degree of threat it faces. The Department of Land and Natural Resources has listed the population of pueo on Oahu as endangered with extensive loss of habitat due to wide-ranging cattle pasturage, conversion of large tracts of undeveloped land to residential and commercial uses, the

introduction of mammalian predators, and the trampling of nests by cattle. Due to its wide range and cryptic nature, no comprehensive population estimates have been conducted and relatively little information is available about the biology, habitat needs, limiting factors, or distribution of the pueo. Therefore, a listing petition would prioritize research and inventory on understanding population trends, distribution, genetics, and threat assessment in support of a federal listing determination.

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 Agriculture and Environment and Water and Land that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 69, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 69, H.D. 1, S.D. 1.

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. 1768 Water and Land on H.C.R. No. 96

The purpose and intent of this measure is to urge the Department of Facility Maintenance of the City and County of Honolulu, in conjunction with the United States Army Corps of Engineers and Department of Environmental Services of the City and County of Honolulu, to:

- (1) Immediately clean the drainage canals and streams in Kaneohe and Kailua; and
- (2) Develop recommended cleaning schedules for drainage canals and streams and regularly clean the drainage canals and streams in Kaneohe and Kailua based on this schedule.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that keeping the streams and drainage systems clear of debris and sediments in the City and County of Honolulu is in the public interest.

Upon request of the introducer of this measure, your Committee has amended this measure by urging the City and County of Honolulu to also clean and regularly maintain the streams of Waimanalo.

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 H.C.R. No. 96, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 96, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1769 (Joint) Transportation and Commerce and Consumer Protection on H.C.R. No. 95

The purpose and intent of this measure is to urge Hawaii helicopter companies to avoid conducting non-emergency flights over residential neighborhoods.

Your Committees received testimony in support of this measure from the Kawaihapai Ohana and four individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that commercial helicopters flying over residential neighborhoods negatively impact the quality of life of residents and present unnecessary safety risks to those on the ground beneath the flight path. In 2019, a commercial helicopter crashed in Kailua, Oahu, killing three people and closing Oneawa Street for hours as the wreckage was cleared. Your Committees note that there is no valid reason why commercial helicopters should fly over residential neighborhoods except in cases of emergencies. Therefore, this measure urges Hawaii commercial helicopter companies to stop flights over residential neighborhoods.

As affirmed by the records of votes of the members of your Committees on Transportation and Commerce and Consumer Protection that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 95, and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

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

Commerce and Consumer Protection: Ayes, 7. Noes, none. Excused, none.

SCRep. 1770 Ways and Means on Gov. Msg. No. 502

Recommending that the Senate advise and consent to the nomination of the following:

DIRECTOR OF THE DEPARTMENT OF TAXATION

G.M. No. 502 ISAAC CHOY, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Isaac Choy for service as Director of Taxation.

Your Committee received testimony in support of the nomination for the appointment of Isaac Choy from the Governor; Department of Labor and Industrial Relations; Department of Public Safety; Department of Defense; Department of Accounting and General Services; Department of Business, Economic Development, and Tourism; Department of Budget and Finance; Department of Land and Natural Resources; Department of Transportation; Department of Agriculture; Department of Human Resources Development; Department of Human Services; Office of Enterprise Technology Services; an administrative appeals officer in the Department of Taxation; a member of the House of Representatives; the Hawaii State Energy Office; Hawaii Society of CPAs; Hawaii Primary Care Association; Hawaii Association of Public Accountants; Roberts Hawaii; and numerous individuals.

Your Committee notes that Mr. Choy currently serves as the Interim Director of Taxation. Your Committee recognizes that Mr. Choy is a licensed Certified Public Accountant and for many years ran his own full-service public accounting firm. He also represented District 23 in the Hawaii State House of Representatives for ten years, serving as the chairperson or member of a wide range of committees. He also acted as Controller of Koolauloa Health Center and served in the United States Marine Corps. Mr. Choy is also the Chair of the Tax Review Commission, a former President of the Hawaii Association of Public Accountants, and former a member of the University of Hawaii School of Accountancy Advisory Board. Your Committee believes that as the State's residents recover from the coronavirus disease 2019 (COVID-19) pandemic, Mr. Choy's expertise and extensive knowledge of government and business will be of great assistance 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, 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, 11. Noes, none. Excused, none.

SCRep. 1771 (Joint) Health and Human Services and Education on H.C.R. No. 162

The purpose and intent of this measure is to request that the Department of Human Services; Department of Health, via the Behavioral Risk Factor Surveillance System; and Department of Education, via the Youth Risk Behavior Surveillance System, collect information on the sex, sexual orientation, gender identity, and gender expression of respondents, including respondents who are under the supervision of the courts and the Hawaii Youth Correctional Facility.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, LGBT Caucus of the Democratic Party of Hawaii, Hawaii Youth Services Network, LGBTQ+ Rainbow Alliance, Planned Parenthood Alliance Advocates, Pride at Work - Hawaii, Rainbow Family 808, The Trevor Project, and seven individuals. Your Committees received comments on this measure from the Department of Human Services and Department of Health.

Your Committees find that lesbian, gay, bisexual, transgender, queer or questioning and intersex (LGBTQI) youth, particularly LGBTQI youth of color, face discrimination and stigma that leads to criminalization and increased interactions with law enforcement and the criminal justice system. Your Committees further find that LGBTQI youth of color and transgender and non-conforming youth are particularly overrepresented in the juvenile and criminal justice systems. Data collected on sexual orientation, gender identity, gender expression, and intersex variation intersects with statewide anti-discrimination work and could inform decision-making processes, such as identifying the possible disproportionate impact of the criminal justice system and evaluating the efficacy of work done to alleviate obstacles unique to LGBTQI youth populations. This measure requests the Departments of Human Services, Health, and Education to collect information on the sex, sexual orientation, gender identity, and gender expression of respondents, including respondents who are under the supervision of the courts and the Hawaii Youth Correctional Facility.

Your Committees recognize the testimony of the Department of Health, which explained that the Behavior Risk Factor Surveillance System and the Youth Risk Behavior Survey do not collect data on people under the supervision of the courts and the Hawaii Youth Correctional Facility. Therefore, this measure as written would not effectively obtain the requested information. Accordingly, your Committees have amended this measure by:

- (1) Removing the references to the Behavior Risk Factor Surveillance System and Youth Risk Behavior Surveillance System;
- (2) Requesting the Departments of Public Safety and Human Services to work with the Departments of Health and Education and the Judiciary to submit a plan to account for gender identity with respect to incarcerated and court-involved youth;
- (3) Requesting the departments to work with the Sexual and Gender Minority Workgroup to address the incidence of LGBTQI youth in the juvenile and criminal justice systems;
- (4) Amending the measure's title to reflect 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 Health, Human Services, and Education that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 162, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 162, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees. Health: Ayes, 5. Noes, none. Excused, none.

Human Services: Ayes, 5. Noes, none. Excused, none.

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

SCRep. 1772 (Joint) Health and Commerce and Consumer Protection on H.C.R. No. 123

The purpose and intent of this measure is to request that the Board of Nursing and Hawaii Medical Board convene a working group to determine the gaps in access to health care and the potential role advanced practice registered nurses may play in addressing these gaps.

Your Committees received testimony in support of this measure from AlohaCare and The Queen's Health Systems. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the University of Hawai's System, Board of Nursing, Hawaii Medical Board, and Hawai's State Center for Nursing.

Your Committees find that there is a physician shortage in the State that often leaves rural communities with challenges to health care access. Your Committees further find that the Legislature is considering legislation to expand the scope of practice for advanced practice registered nurses and physician assistants; however, there is a need to clearly define the differences between physicians,

advanced practice registered nurses, and physician assistants and what each profession's scope of practice in Hawaii should be. This measure requests the convening of a working group to determine how advanced practice registered nurses could increase access to health care throughout the State.

Your Committees recognize the testimonies of the Board of Nursing and Hawaii Medical Board, both of which expressed preference for the language contained in H.C.R. No. 124 but which was not set for hearing. Therefore, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of H.C.R. No. 124, H.D. 1, a substantially similar measure which requests the Legislative Reference Bureau to conduct an analysis of advanced practice registered nurses and physician assistants;
- Replacing the Legislative Reference Bureau with the University of Hawaii School of Nursing & Dentistry as the agency to conduct the analysis;
- (3) Amending its title 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 Health and Commerce and Consumer Protection that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 123, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 123, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Health: Ayes, 5. Noes, none. Excused, none.

Commerce and Consumer Protection: Ayes, 6. Noes, none. Excused, 1 (Riviere).

SCRep. 1773 Ways and Means on H.C.R. No. 44

The purpose and intent of this measure is to urge President Joseph R. Biden, Jr., and the Asia-Pacific Economic Cooperation to hold the 2023 Asia-Pacific Economic Cooperation Summit in the City and County of Honolulu.

Your Committee received written comments in support of this measure from the Hawaii Tourism Authority.

Your Committee finds that holding the Asia-Pacific Economic Cooperation Summit in Honolulu would bring numerous attendees, support staff, and accompanying media to the State and help boost the economy as the State works to recover from the effects of the coronavirus disease 2019 pandemic.

As 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 H.C.R. No. 44, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1774 Ways and Means on H.C.R. No. 59

The purpose and intent of this measure is to recognize and support ongoing collaborative efforts by state agencies and private organizations to implement the "Hep Free 2030" statewide strategy to eliminate viral hepatitis types A, B, and C in Hawaii.

More specifically, this measure requests that the House Committee on Health, Human Services, and Homelessness, and Senate Committee on Health, convene two joint informational briefings after the completion of the Regular Session of 2021, but before the commencement of the Regular Session of 2022, to:

- (1) Assess the status of, and progress made toward, implementation of the "Hep Free 2030" statewide strategy; and
- (2) Receive proposed legislation that the Executive Director of Hep Free Hawaii is urged to submit for the Legislature to consider during the Regular Session of 2022.

Your Committee received written comments in support of this measure from Hep Free Hawaii; Hawaii Health and Harm Reduction Center; Hawaii Learning Groups, LLC; and fifteen individuals.

Your Committee finds that state agencies and private organizations are engaged in multiple measures aimed at eliminating and reducing viral hepatitis in the State, especially among underserved and at-risk communities. Your Committee further finds that continued coordination and ongoing efforts are needed to further implement the "Hep Free 2030" statewide strategy, and that the joint informational briefings requested by this measure are an important component of this collaborative endeavor to improve public health.

As 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 H.C.R. No. 59, H.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1775 Ways and Means on H.C.R. No. 97

The purpose and intent of this measure is to request the convening of a North Road management task force to make recommendations on safety improvements for, and unified management of, North Road, in Ewa Beach on the island of Oahu.

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

Your Committee finds that illegal dumping, homeless encampments, abandoned cars, poor maintenance, and safety issues plague North Road. Accordingly, your Committee believes that it is appropriate to convene a task force to address the management of, and safety issues associated with, North Road.

As 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 H.C.R. No. 97, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1776 Ways and Means on H.C.R. No. 104

The purpose and intent of this measure is to request that the Director of Labor and Industrial Relations convene a task force to study, design, and develop a paid family leave pilot program to cover employers and employees in the County of Kauai and that could eventually be expanded to cover all public and private sector workers in the State.

More specifically, this measure requests that the task force:

- (1) Commence its work upon the appointment of a simple majority of its members;
- (2) Recommend the basic structure of a paid family leave pilot program;
- (3) Examine impacts and estimated costs of establishing and implementing the pilot program;
- (4) Examine opportunities and challenges of expanding the pilot program to the State's entire workforce; and
- (5) Report its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 20202.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Department of Labor and Industrial Relations, Planned Parenthood Alliance Advocates - Hawaii, AAUW of Hawaii, Hawaii Children's Action Network Speaks!, and Breastfeeding Hawaii.

Your Committee finds that most workers will need to take time off from work at some point in their lives to care for a family member. Your Committee also finds that due to financial constraints, a majority of Hawaii's workforce cannot afford to take unpaid leave for family caregiving purposes. Your Committee believes that convening a task force to develop an expandable paid family leave pilot program is a first step toward addressing these issues and alleviating a hardship that affects many of Hawaii's workers.

As 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 H.C.R. No. 104, H.D. 1, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1777 Ways and Means on H.C.R. No. 166

The purpose and intent of this measure is to authorize the issuance of an easement for state submerged lands.

More specifically, this measure authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting property located in Kapaa, Kawaihau, Kauai, for the construction of a sandbag groin and for use, repair, and maintenance of the existing improvements.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in disposition of state submerged lands. The Board has approved the issuance of a revocable permit for a shoreline protection structure, beach nourishment activities, and installation of the sandbag groin on state submerged lands identified as Tax Map Key: (4) 4-3-009: seaward of 041. The association of apartment owners for a property located near the permit area has worked with the Department of Land and Natural Resources to obtain a long-term non-exclusive easement for the sandbag groin. Your Committee further finds that this measure expresses the requisite legislative approval so that an easement may be issued for the use of those state submerged lands.

As 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 H.C.R. No. 166, H.D. 2, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1778 (Joint) Public Safety, Intergovernmental, and Military Affairs and Health on H.C.R. No. 91

The purpose and intent of this measure is to request the Hawaii Emergency Management Agency to convene a resiliency health disaster task force to develop a coordinated statewide resiliency health disaster plan.

Your Committees received testimony in support of this measure from one individual. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Hawai'i Emergency Management Agency.

You Committees find that Hawaii is vulnerable to a wide range of economic, social, and environmental hazards that threaten the health, safety, and well-being of its people. Many of these challenges disproportionately impact low-income communities and small businesses, who are often not prepared for such events. This measure will create a task force to develop a coordinated statewide

resiliency health disaster plan that will help ensure that local residents and businesses are prepared for the impact of future health-related disasters.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Health that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 91, and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

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

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

SCRep. 1779 Ways and Means on H.C.R. No. 24

The purpose and intent of this measure is to authorize the issuance of an easement for state submerged lands.

More specifically, this measure authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting property located in Waiohuli-Keokea Homesteads and Beach Lots, Kihei, Maui, for the existing seawall and rock revetment, and for use, repair, and maintenance of the existing improvements.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in disposition of state submerged lands. The Board has identified portions of an existing seawall and rock revetment fronting the property identified as Tax Map Key: (2) 3-9-010:006 as encroaching upon state submerged lands. The current owner of the abutting property has worked with the Department of Land and Natural Resources to obtain a long-term non-exclusive easement, as the seawall and rock revetment are located on state submerged lands. Your Committee further finds that this measure expresses the requisite legislative approval so that an easement may be issued for the use of those state submerged lands.

As 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 H.C.R. No. 24, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1780 Ways and Means on H.C.R. No. 25

The purpose and intent of this measure is to authorize the issuance of an easement for state submerged lands.

More specifically, this measure authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting property located in Maunalua, Honolulu, Oahu, for the existing seawall and for use, repair, and maintenance of the existing improvements.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in disposition of state submerged lands. The Board has identified portions of an existing seawall fronting the property identified as Tax Map Key: (1) 3-9-016:036 as encroaching upon state submerged lands. The current owner of the abutting property has worked with the Department of Land and Natural Resources to obtain a long-term non-exclusive easement, as the seawall is located on state submerged lands. Your Committee further finds that this measure expresses the requisite legislative approval so that an easement may be issued for the use of those state submerged lands.

As 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 H.C.R. No. 25, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1781 Ways and Means on H.C.R. No. 49

The purpose and intent of this measure is to authorize the issuance of a lease for state submerged lands.

More specifically, this measure authorizes the Board of Land and Natural Resources to lease the state submerged lands fronting the property bound by Pier 27 in Honolulu Harbor for a repair and maintenance facility.

Your Committee received written comments in support of this measure from the Department of Transportation and Atlantis Submarines Hawaii, LLC.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in disposition of state submerged lands. In 2014, to make way for the Kapalama Container Terminal, the Department of Transportation relocated the facility operated by Atlantis Submarines Hawaii, LLC (Atlantis), from Pier 41 to Pier 27, identified as Tax Map Key: (1) 1-5-038:78 (portion). Atlantis has worked with the Department of Land and Natural Resources to obtain a long-term lease for the use of Pier 27. Your Committee further finds that this measure expresses the requisite legislative approval so that an easement may be issued for the use of those state submerged lands.

As 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 H.C.R. No. 49, H.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1782 Ways and Means on H.C.R. No. 68

The purpose and intent of this measure is to request the Department of Education to create a landscape management plan.

More specifically, the measure requests that the Department:

- (1) Develop a plan to increase tree canopies on public school grounds;
- (2) Document existing inventory and talent; and
- (3) Identify additional resources that are required to implement and sustain the plan.

Your Committee received written comments in support of this measure from Climate Protectors Hawaii.

Your Committee finds that increasing tree canopies on school campuses will provide heat abatement, offer learning opportunities, mitigate greenhouse gas emissions, and help advance the State's environmental goals.

As 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 H.C.R. No. 68, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1783 Ways and Means on H.C.R. No. 70

The purpose and intent of this measure is to authorize the lease of state submerged lands.

More specifically, this measure authorizes the Board of Land and Natural Resources to lease a portion of state submerged lands seaward of the property located in Kaneohe Bay, Kaneohe, Oahu, for recreational boat pier purposes.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in disposition of state submerged lands. The Board of Land and Natural Resources seeks to lease submerged lands seaward of Tax Map Key: (1) 4-4-022:032 for recreational boat pier purposes, subject to the terms, covenants, and conditions set forth in the lease. Your Committee further finds that this measure expresses the requisite legislative approval so that the Board of Land and Natural Resources may lease those state submerged lands.

As 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 H.C.R. No. 70, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1784 Ways and Means on H.C.R. No. 89

The purpose and intent of this measure is to authorize the issuance of an easement for state submerged lands.

More specifically, this measure authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting property located at 3600 Wailea Alanui Drive, Kihei, Maui, for a stairway.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in disposition of state submerged lands. The Board has identified portions of a stairway fronting the property identified as Tax Map Key: (2) 2-1-008: seaward of 069 at Wailea, Maui, as encroaching upon state submerged lands. The current owner of the abutting property has worked with the Department of Land and Natural Resources to obtain a long-term non-exclusive easement, as the stairway is located on state submerged lands. Your Committee further finds that this measure expresses the requisite legislative approval so that an easement may be issued for the use of those state submerged lands.

As 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 H.C.R. No. 89, H.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, none.

SCRep. 1785 Judiciary on H.C.R. No. 5

The purpose and intent of this measure is to establish a Joint Committee on Judicial Selection

Your Committee received testimony in support of this measure from the Judicial Selection Commission Steering Committee and one individual. Your Committee received comments on this measure from the Judiciary, Judicial Selection Commission, Legislative Reference Bureau, Hawai'i Women Lawyers, and American Judicature Society.

Your Committee finds that the Judicial Selection Commission was proposed by the 1978 Constitutional Convention as a method of selecting judges based solely on their qualifications and not on political patronage. Your Committee further finds that the intent was to create a merit-based selection process to assure the public that only the candidates best qualified for a vacancy would be considered for judicial appointment. Your Committee additionally finds that, to keep deliberations confidential, the rules of the Judicial Selection

Commission provide, in perpetuity, blanket confidentiality for information relating to the identity of any applicant, information received from or about current or former applicants and petitioners, and any communications among or votes by commissioners that have transpired in the course of their deliberations on any subject. Your Committee additionally finds that, to preserve the State's merit-based selection process, it is critical that the public has a clear understanding of the thorough process utilized by the Judicial Selection Commission in selecting and retaining judges and justices.

Your Committee notes the testimony of the Legislative Reference Bureau and requests that the Joint Committee on Judicial Selection adhere to the deadline of October 1, 2021, should the Committee wish to use the resources of the Legislative Reference Bureau

Your Committee has amended this measure by:

- (1) Reducing the number of members of the Joint Committee on Judicial Selection appointed by the Speaker of the House of Representatives and the President of the Senate to one each;
- (2) Requesting that one member of the Committee be appointed by Hawai'i Women Lawyers;
- (3) Requesting that the Committee work with the Judicial Selection Commission to improve recruitment in terms of quantity of applicants, in addition to qualifications of applicants;
- (4) Requesting the report of the Committee to be submitted to the Legislature no less than forty days prior to the convening of the Regular Session of 2022; 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 concurs with the intent and purpose of H.C.R. No. 5, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 5, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Kim, Lee).

SCRep. 1786 Judiciary on H.C.R. No. 154

The purpose and intent of this measure is to condemn all forms of anti-Asian sentiment as related to COVID-19 and urge greater investment in federal, state, and local resources to develop and support community-wide solutions.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawai'i Health and Harm Reduction Center, Common Cause Hawai'i, Rainbow Family 808, Planned Parenthood Alliance Advocates, Hawai'i Friends of Civil Rights, Imua Alliance, Democratic Party of Hawai'i Education Caucus, and fourteen individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that a long and well-documented history of anti-Asian sentiment, going back to the nineteenth century, exists in the United States. Your Committee further finds that a spike in anti-Asian sentiment has occurred since the beginning of the coronavirus disease 2019 (COVID-19) pandemic. Anti-Asian terminology and rhetoric related to COVID-19 has perpetuated stigmas and resulted in Asian Americans being harassed, assaulted, and scapegoated. Your Committee additionally finds that anti-Pacific Islander sentiment also has a long history in the State, and that discriminatory incidents against Pacific-Islanders have also increased.

Accordingly, your Committee has amended this measure by:

- (1) Requesting the Civil Rights Division of the United States Department of Justice to identify and analyze incidents based on anti-Asian and anti-Pacific Islander sentiments, including disproportionate numbers of homicides of Pacific Islanders by law enforcement, and inform the Legislature of the Division's findings at the earliest opportunity;
- (2) Amending its title in accordance with its amended purpose;
- (3) Providing for certified copies to be sent to the United States Attorney General, United States Attorney assigned to Hawai'i, members of Hawai'i's congressional delegation, and Chairperson of the Hawai'i Civil Rights Commission; 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 concurs with the intent and purpose of H.C.R. No. 154, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 154, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Kim, Lee).

SCRep. 1787 Judiciary on H.C.R. No. 11

The purpose and intent of this measure is to request the Hawai'i State Commission on the Status of Women to convene a task force to study missing and murdered Native Hawaiian women and girls.

Your Committee received testimony in support of this measure from the Judiciary, Department of Health, Hawai'i Children's Action Network Speaks!, and Planned Parenthood Alliance Advocates – Hawai'i.

Your Committee finds that missing and murdered native women is a human rights crisis that disproportionately affects indigenous peoples in the United States and Canada, notably those in Native American communities. Your Committee further finds that there are concerns about the high rate of sexual violence against Native Hawaiian women. Native Hawaiians represent the largest ethnic group among sex abuse victims and Native Hawaiian girls are over-represented among juvenile runaways, but until recently no

comprehensive data on the prevalence of sex trafficking victimization among Native Hawaiians was available. This measure requests the Hawaiii State Commission on the Status of Women to convene a task force to gather and analyze further information relating to this crisis.

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 H.C.R. No. 11, H.D. 1, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Acasio, Gabbard).

SCRep. 1788 Judiciary on H.C.R. No. 76

The purpose and intent of this measure is to request the establishment of a working group to assess the status of Act 14, Special Session Laws of Hawaii 1995, and the Hawaiian Homes Commission Act of 1920, as amended.

Your Committee received testimony in support of this measure from the Sovereign Council of Hawaiian Homestead Associations. Your Committee received testimony in opposition to this measure from the Department of Hawaiian Home Lands. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the Legislature passed Act 14, Special Session Laws of Hawaii 1995 (Act 14), to provide for a full settlement of all land claims made on behalf of the Hawaiian Home Lands Trust against the State between August 1, 1959, and July 1, 1988, established the Hawaiian Homes Lands Trust Fund, and required the State to make twenty annual deposits of \$30,000,000 or their discounted equivalent into the Fund for purposes of resolving the State's obligations under the Hawaiian Homes Commission Act of 1920, as amended. Your Committee further finds that over twenty-five years have passed since the enactment of Act 14, and that despite the assurances of fulfilling homestead obligations to Hawaiian Homes Commission Act (HHCA) beneficiaries, the need for affordable housing for beneficiaries remains great. More than two thousand native Hawaiian beneficiaries have died while on the Hawaiian homes waiting list for a home land lease, and twenty-eight thousand beneficiaries currently remain on the list, causing HHCA beneficiaries to languish. Your Committee additionally finds that the existing status of Act 14 and whether its mandates to provide for a settlement of all state land claims is unknown. This measure requests the establishment of a working group to assess the status of the State's obligations pursuant to Act 14.

Your Committee has amended this measure by:

- (1) Amending the working group membership to add the Chairperson of the Sovereign Council of Hawaiian Homestead Associations or the chairperson's designee and any other member deemed necessary by the 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 76, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 76, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Gabbard).

SCRep. 1789 Judiciary on H.C.R. No. 132

The purpose and intent of this measure is to request the Department of Health to apply to the Drug Enforcement Administration's Office of Diversion Control for an exception under Title 21 Code of Federal Regulations section 1307.03, and request formal written acknowledgement that the listing of marihuana, marihuana extract, and tetrahydrocannabinols as controlled substances in Federal Schedule I does not apply to the protected activities in the Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from Akamai Cannabis Clinic and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Act 228, Session Laws of Hawaii 2000, authorizes the use of medical cannabis to treat debilitating medical conditions, including cancer, glaucoma, human immunodeficiency virus, acquired immune deficiency syndrome, and other chronic or debilitating diseases. Your Committee further finds that because federal law prohibits the use of cannabis, including the use of medical cannabis, there is a lack of clarity between State and federal cannabis laws that has significant repercussions for medical cannabis patients and the State's medical cannabis dispensaries. Title 21 Code of Federal Regulations section 1307.03 allows the Department of the Drug Enforcement Administration to grant exceptions to certain federal regulations. This measure requests the Department of Health to submit a request to the Drug Enforcement Administration for an exception to marihuana regulations pursuant to Title 21 Code of Federal Regulations section 1307.03.

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 H.C.R. No. 132, H.D. 1, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Gabbard).

SCRep. 1790 Judiciary on H.C.R. No. 163

The purpose and intent of this measure is to request the Board of Land and Natural Resources to enter into a long-term water lease with the Wai'oli Valley Taro Hui for the Hui's existing use of water from Wai'oli stream via direct negotiation, upon its completion of requirements pursuant to chapter 343, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Mayor of the County of Kauai, Hanalei Watershed Hui, Huliauapa'a, Wai'oli Valley Taro Hui, Hawaiian Islands Land Trust, Hanalei Hawaiian Civic Club, and twenty-six individuals.

Your Committee finds that the traditional cultural practice of lo'i kalo cultivation in Wai'oli Valley has thrived since at least the fifteenth century, and is a vital Native Hawaiian cultural resource. The traditional lo'i kalo irrigation system is an indigenous surface water system that has long been used to connect flowing water to kalo fields. Your Committee further finds that the unprecedented floods of 2018 destroyed the historic mānowai (traditional instream diversion structure) in Wai'oli, Kaua'i, and severely damaged the 'auwai (irrigation ditch), thereby impacting water flow to ancient lo'i kalo and reducing Wai'oli Valley Taro Hui's ability to restore it fields and feed its community. Your Committee additionally finds that during the disaster recovery and repair efforts, the Wai'oli Valley Taro Hui was informed that its traditional lo'i kalo irrigation system, including the mānowai and 'auwai, was located on state conservation land, thus requiring a water lease. This measure requests the Board of Land and Natural Resources to enter into a long-term water lease with the Wai'oli Valley Taro Hui.

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 H.C.R. No. 163, H.D. 1, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 1791 Judiciary on H.C.R. No. 112

The purpose and intent of this measure is to declare racism as a public health crisis.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, University of Hawaii John A. Burns School of Medicine, Community Alliance on Prisons, Hawaii Health and Harm Reduction Center, Rainbow Family 808, Young Progressives Demanding Action, Planned Parenthood Alliance Advocates, Spoehr Foundation, American Heart Association, Hawaii Public Health Association, YWCA O'ahu, Waimānalo Health Center, Hawaii Pacific University College of Health and Society, Imua Alliance, Democratic Party of Hawaii Education Caucus, Hawaii Children's Action Network Speaks!, Hawaii Public Health Institute, Hawaii Appleseed Center for Law and Economic Justice, Papa Ola Lōkahi, and thirty-five individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from Common Cause Hawaii and one individual.

Your Committee finds that racism is the belief, theory, or doctrine that a certain race of people is inherently superior to people from other racial groups, race is therefore a fundamental determinant of human traits and capacities, and racial differences produce an inherent superiority of a particular race. Your Committee further finds that racism's influence on public health has been recognized by the World Health Organization, Centers for Disease Control and Prevention, Department of Health, Judiciary, Hawai'i State Commission on the Status of Women, Papa Ola Lōkahi, 'Ahahui o Nā Kauka, American Civil Liberties Union of Hawai'i, and many others. Your Committee additionally finds that to best accomplish the Hawai'i State Planning Act's objective of the "elimination of health disparities by identifying and addressing social determinants of health", institutionalized racism and racist policies must be dismantled.

Your Committee has amended this measure by:

- (1) Recognizing the importance of operationalizing antiracist practices and policies through educational opportunities, training, and continued learning with national networks of government working to achieve racial equity and advance opportunities for all:
- (2) Expressing a commitment to understanding and addressing systemic racism;
- (3) Expanding contextual information on the impacts of individual, institutional, structural, and systemic racism; 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 concurs with the intent and purpose of H.C.R. No. 112, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 112, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Kim, Lee).

SCRep. 1792 Education on H.C.R. No. 178

The purpose and intent of this measure is to request the Department of Education to provide free menstrual products to students on all Hawaii public school campuses.

Your Committee received testimony in support of this measure from the American Association of University Women of Hawaii, Hawai'i State Commission on the Status of Women, and six 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 the measure and inserts language to request the convening of a working group to discuss the role of the authorizer, its relationship with charter schools, the accountability for the use of public funds, and whether legislation is required to effectuate any desired changes.

Your Committee received testimony in support of the proposed S.D. 1 from the State Public Charter School Commission.

Your Committee finds that the Hawaii State Public Charter School Commission has faced questions on the role of the authorizer and its relationship with charter schools. There is a need to clarify the purpose and intent of charter school authorizers. Your Committee

also notes that the need for transparency and accountability for the use of public funds must be balanced with the authority for the charter school to educate our keiki. This measure will convene a Charter School Authorizers Working Group to address these problems.

Your Committee has amended this measure by adopting the proposed SD1.

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 H.C.R. No. 178, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 178, S.D. 1.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1793 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 606

Recommending that the Senate advise and consent to the nomination of the following:

CRIME VICTIM COMPENSATION COMMISSION

G.M. No. 606 MARI BELLINGER, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Mari Bellinger for service on the Crime Victim Compensation Commission.

Your Committee received testimony in support of the nomination for the appointment of Mari Bellinger from the Crime Victim Compensation Commission, Department of Public Safety, and one individual.

Upon review of the testimony, your Committee finds that Ms. Bellinger's knowledge, experience, and compassionate advocacy for crime victims qualify her to be nominated for appointment to the Crime Victim Compensation Commission. Your Committee further finds that Ms. Bellinger has dedicated nearly thirty years to assisting crime victims, including previously acting as a Commissioner and Chair of the Crime Victim Compensation Commission after serving over thirty years as a Victim/Witness at the City and County of Honolulu, Department of the Prosecuting Attorney. Your Committee notes that Ms. Bellinger has specialized expertise in the provision of services to underserved victim populations and in the treatment of sexual assault and domestic violence abuse survivors with Post-Traumatic Stress Disorder, which are special areas of concern for the Crime Victim Compensation Commission. Your Committee therefore recommends that Ms. Bellinger be appointed to the Crime Victim Compensation Commission based on her background, training, expertise, and commitment.

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, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 1794 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 798, 799, 800, 801, and 802

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DIRECTORS OF THE HAWAII TOURISM AUTHORITY

G.M. No. 798 KEITH DOWNING, for a term to expire 06-30-2022;

G.M. No. 799 DAVID ARAKAWA, for a term to expire 06-30-2024;

G.M. No. 800 DYLAN CHING, for a term to expire 06-30-2024;

G.M. No. 801 SIGMUND ZANE, for a term to expire 06-30-2024; and

G.M. No. 802 SHERRY MENOR-MCNAMARA, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Keith Downing, David Arakawa, Dylan Ching, Sigmund Zane, and Sherry Menor-McNamara for nomination to the Board of Directors of the Hawaii Tourism Authority.

KEITH DOWNING

Your Committee received testimony in support of the nomination for the appointment of Keith Downing from the Department of Business, Economic Development, and Tourism; Hawaii State Energy Office; Friends of Kewalos; and five individuals.

Upon review of the testimony, your Committee finds that Mr. Downing's knowledge, experience, and desire to serve qualify him to be appointed to the Board of Directors of the Hawaii Tourism Authority as a director at-large. Born and raised in Honolulu, Mr. Downing is an expert waterman and respected big-wave rider. Mr. Downing graduated with a degree in commercial art from California College of the Arts and designed logos for surf industry giants Quiksilver and O'Neill. Currently, Mr. Downing, along with his sister, run the family-owned business, Downing Hawaii, which is also Hawaii's oldest surf shop. Mr. Downing's long-term involvement with the non-profit group, Surfing Education Association, shows his dedication to the preservation of Hawaii's coral reefs, waves, and beaches. Your Committee further finds that Mr. Downing has served as a member of the State Board of Land and Natural Resources from 2015 to 2019. He understands the role and responsibilities of board members and the insight he offers based on his experience will further enhance the efforts of the Board of Directors of the Hawaii Tourism Authority. Therefore, your Committee recommends that Mr. Downing be appointed to the Board of Directors of the Hawaii Tourism Authority based on his background, experience, and desire to serve the public.

DAVID ARAKAWA

Your Committee received testimony in support of the nomination for the reappointment of David Arakawa from the Department of Agriculture; Department of Business, Economic Development, and Tourism; Office of Planning; Hawaii State Energy Office; Hawaii Housing Finance and Development Corporation; Matson Navigation Company, Inc.; Hawaii Farm Bureau; Hawaii Laborers-Employers Cooperation and Education Trust Fund; Pacific Resource Partnership; Hawaii Cattlemen's Council, Inc.; Chamber of Commerce Hawaii; Hawaiian Airlines; Ponohono Ranch Limited; and twenty-eight individuals.

Upon review of the testimony, your Committee finds that Mr. Arakawa's knowledge, experience, and commitment to public service qualify him to be reappointed to the Board of Directors of the Hawaii Tourism Authority as a director at-large. Raised in Honolulu, Mr. Arakawa currently serves as Executive Director of the Land Use Research Foundation of Hawaii, a private, nonprofit research and trade association whose members include major Hawaii landowners, developers, resort operators, and a utility company. He graduated from the University of Hawaii at Manoa and earned his law degree from the William S. Richardson School of Law. An attorney by trade, Mr. Arakawa has previously served as the Senior Vice President, General Counsel, and Corporate Secretary for Hawaiian Airlines. He has been appointed to various state and local advisory committees and task forces, such as the Managing Capacity Work Group for the Hawaii Tourism Authority Strategic Plan, 2015-2020. Your Committee further finds that Mr. Arakawa has served as a member on the Board of Directors of the Hawaii Tourism Authority since 2018, and is the current Chair of the Audit Committee, Vice Chair of the Legislative Committee, Vice Chair of the Budget and Finance Committee, and member of the Administration Committee. He has a thorough understanding of the role and responsibilities of board members and his extensive experience in land use, resort development, and employment and administrative law will continue to enhance the effectiveness of the Board of Directors of the Hawaii Tourism Authority. Therefore, your Committee recommends that Mr. Arakawa be reappointed to the Board of Directors of the Hawaii Tourism Authority based on his background, experience, and commitment to public service and his industry.

DYLAN CHING

Your Committee received testimony in support of the nomination for the appointment of Dylan Ching from the Department of Business, Economic Development, and Tourism; Hawai'i Lodging & Tourism Association; and six individuals.

Upon review of the testimony, your Committee finds that Mr. Ching's knowledge, experience, and dedication to public service qualify him to be appointed to the Board of Directors of the Hawaii Tourism Authority as a director at-large. Raised in Hawaii, Mr. Ching is currently the Vice President of Operations for TS Restaurants on Oahu and Kauai since 2019, where he oversees the operations, financial health, personnel, and community outreach for Duke's Waikiki, Hula Grill Waikiki, Keoki's Paradise in Poipu, and Duke's Kauai. He is also involved in a number of civic and community activities, such as the Waikiki Community Center Board, Waikiki Beach Special Improvement District Association Board, Tommy Holmes Foundation Board, Waikiki Business Improvement Board, Bishop Museum Association Council Board, and Boys and Girls Club of Hawaii Corporate Board. Your Committee further finds that Mr. Ching has a thorough understanding of the role and responsibilities of board members and his extensive experience in the service and hospitality industry will enhance the effectiveness of the Board of Directors of the Hawaii Tourism Authority. Therefore, your Committee recommends that Mr. Ching be appointed to the Board of Directors of the Hawaii Tourism Authority based on his background, experience, and dedication to public service.

SIGMUND ZANE

Your Committee received testimony in support of the nomination for the appointment of Sigmund Zane from the Department of Business, Economic Development, and Tourism and Hawaiian Airlines.

Upon review of the testimony, your Committee finds that Mr. Zane's knowledge, experience, and desire to serve qualify him to be appointed to the Board of Directors of the Hawaii Tourism Authority. Mr. Zane was raised in Honolulu and attended the University of Hawaii at Hilo. In 1985, he and his wife opened Sig Zane Designs, a clothing store with the mission to educate and share their knowledge of Hawaiian culture. Today, Sig Zane Designs is a globally recognized brand known for its thoughtful, hand-cut designs, and plant prints. In addition to his experience as a small business owner, Mr. Zane is also known as a native Hawaiian cultural practitioner and artist. Your Committee further finds that Mr. Zane understands the role and responsibilities of board members and his unique knowledge in native Hawaiian values and experience in local manufacturing and retail will enhance the effectiveness of the Board of Directors of the Hawaii Tourism Authority. Therefore, your Committee recommends that Mr. Zane be appointed to the Board of Directors of the Hawaii Tourism Authority based on his background, experience, and desire to serve the public.

SHERRY MENOR-MCNAMARA

Your Committee received testimony in support of the nomination for the reappointment of Sherry Menor-McNamara from the Department of Business, Economic Development, and Tourism; Chamber of Commerce Hawaii; Matson Navigation Company, Inc.; Diamond Bakery Co., Ltd.; Holomua Consulting Group LLC; Hawai'i Farm Bureau; Honolulu Japanese Chamber of Commerce; Hawai'i Lodging & Tourism Association; Kauai Filipino Chamber of Commerce; Hawaii Food Industry Association; Hawaiian Airlines; Kona-Kohala Chamber of Commerce; Kaua'i Chamber of Commerce; and five individuals.

Upon review of the testimony, your Committee finds that Ms. Menor-McNamara's knowledge, experience, and commitment to public service qualify her to be reappointed to the Board of Directors of the Hawaii Tourism Authority. Ms. Menor-McNamara earned a Juris Doctorate from the University of Hawaii, William S. Richardson School of Law; a Master's degree in business administration from the University of Hawaii at Manoa; a Master's degree in public administration and policy from the University of Southern California; and a Bachelor of Arts degree in political science from the University of California at Los Angeles. She also earned a certificate from the Harvard Kennedy School's Executive Education Program. Since 2013, Ms. Menor-McNamara has been the President and Chief Executive Officer of the Chamber of Commerce Hawaii. Ms. Menor-McNamara is also an active member in various professional and community organizations, including the Board of Trustees for Queen's Health Systems, Board of Directors for Girls Scouts Hawaii, and Board of Directors of the FILCom Center. Your Committee further notes that she has served on the Board of Directors of the Hawaii Tourism Authority since 2017. Your Committee further finds that Ms. Menor McNamara has a thorough understanding of the role and responsibilities of board members and her extensive experience will continue to enhance the effectiveness of the Board of Directors of the Hawaii Tourism Authority. Therefore, your Committee recommends that Ms. Menor-

McNamara be reappointed to the Board of Directors of the Hawaii Tourism Authority based on her background, experience, 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. 1795 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 759 and 760

Recommending that the Senate advise and consent to the nominations of the following:

STADIUM AUTHORITY

G.M. No. 759 MICHAEL IMANAKA, for a term to expire 06-30-2025; and

G.M. No. 760 BRENNON MORIOKA, for a term to expire 06-30-2025

Your Committee has reviewed the personal histories and resumes submitted by Michael Imanaka and Brennon Morioka for service on the Stadium Authority.

MICHAEL IMANAKA

Your Committee received testimony in support of the appointment of Michael Imanaka from the Stadium Authority and six individuals

Upon review of the testimony, your Committee finds that Mr. Imanaka's experience in real estate qualify him for appointment to the Stadium Authority. Your Committee notes that Mr. Imanaka has worked on several different large-scale real estate development projects in Hawaii while working for Avalon Development and Kamehameha Schools. Additionally, Mr. Imanaka has experience in real estate brokerage, which will be an asset to the Stadium Authority as they address very challenging and complex decisions involving the development and leasing of the New Aloha Stadium Entertainment District. Your Committee therefore recommends that Mr. Imanaka be appointed to the Stadium Authority.

BRENNON MORIOKA

Your Committee received testimony in support of the nomination of Brennon Morioka from the Stadium Authority, Office of the Mayor of the City and County of Honolulu, General Contractors Association of Hawaii, Castle & Cooke Hawai'i and fourteen individuals.

Upon review of the testimony, your Committee finds that Dr. Morioka's professional engineering background and wealth of knowledge and experience in both the private and public sectors of business qualify him for appointment to the Stadium Authority. Dr. Morioka received his Bachelor's and Master's degree in civil engineering from the University of California at Berkeley and his Doctorate of Philosophy in civil engineering from the University of Hawaii at Manoa, where he currently works as the Dean of the College of Engineering. His professional experience includes significant involvement in leading major multi-billion-dollar projects across Hawaii. Dr. Morioka's experience in public service includes service as the Director of Transportation for the State of Hawaii. Based on his educational background and extensive engineering experience, your Committee recommends that Dr. Morioka be appointed to the Stadium Authority.

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. 1796 Higher Education on Gov. Msg. Nos. 806, 807, 808, and 809

Recommending that the Senate advise and consent to the nominations of the following:

HAWAI'I MEDICAL EDUCATION COUNCIL

G.M. No. 806 JUDY KOVELL, for a term to expire 06-30-2023;

G.M. No. 807 ROBERT HONG, for a term to expire 06-30-2021;

G.M. No. 808 ROBERT HONG, for a term to expire 06-30-2025; and

G.M. No. 809 MARY ANN ANTONELLI, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Judy Kovell, Robert Hong, and Mary Ann Antonelli for service on the Hawai'i Medical Education Council.

JUDY KOVELL

Your Committee received testimony in support of the nomination for the appointment of Judy Kovell from the University of Hawaii John A. Burns School of Medicine.

Upon review of the testimony and her qualifications, your Committee finds that Dr. Kovell's current positions as the Designated Institutional Official and Director of Medical Education/Graduate Medical Education at the Tripler Army Medical Center qualifies her to be appointed to the Hawai'i Medical Education Council as one of the three members representing a hospital at which accredited graduate medical education programs are conducted. Your Committee finds that Dr. Kovell is board certified in psychiatry and neurology and has twenty-five years of active service in the armed forces, of which sixteen were in high level leadership positions, including Chief of Inpatient Psychiatry at Tripler Army Medical Center. Your Committee notes Dr. Kovell's commitment to medical education as evidenced by her service as the Program Director and Associate Program Director for the Tripler Army Medical Center's General Psychiatry Residency program since 2013, during which she was designated Faculty of the Year for Excellence in Teaching and Mentoring in 2014 and 2015. Your Committee also notes Dr. Kovell's service as a member of the Medical Advisory Board from 2018 to 2021. Your Committee therefore recommends that Dr. Kovell be appointed to the Hawai'i Medical Education Council based on her leadership experiences, passion for medical education, and commitment to serve the people of Hawaii and the Pacific region.

ROBERT HONG

Your Committee received testimony in support of the nomination for the appointment and reappointment of Robert Hong from the University of Hawaii John A. Burns School of Medicine.

Upon review of the testimony and his qualifications, your Committee finds that Dr. Hong's over thirty years of practice in cardiovascular medicine, over thirty years of teaching at the University of Hawaii John A. Burns School of Medicine, and his years of experience as the former Medical Director at The Queen's Medical Center, qualify him to be appointed and reappointed to the Hawai'i Medical Education Council as one of the members representing the health professions community. Your Committee finds that Dr. Hong, who entered the private practice of cardiovascular medicine in 1987, currently serves as a cardiologist at the University of Hawaii Health Partners; Professor of Medicine at the University of Hawaii John A. Burns School of Medicine; and Vice Chair for Clinical Affairs of the school's Department of Medicine. Since 1989, Dr. Hong has been training many physicians who practice in the State, and has received numerous awards for excellence in teaching and administration. Your Committee also notes that Dr. Hong served as the Medical Director of The Queen's Medical Center's Heart Physician Practice from 2009 to 2016, and the center's Cardiovascular Invasive and Interventional Services group from 2018 until he joined the University of Hawaii Faculty Practice program in 2019. Your Committee finds that Dr. Hong has the experiences needed to understand the intricacies of graduate medical education and the importance of training a sustainable workforce for Hawaii. He is also well equipped to provide the Council with direct knowledge on how to build and navigate medical fellowship programs and systems and has interest in developing systems of inter-professional practice teams. Your Committee therefore recommends that Dr. Hong be appointed and reappointed to the Hawai'i Medical Education Council based on his leadership skills, commitment to medical education in Hawaii, and experience and knowledge in medical administration.

MARY ANN ANTONELLI

Your Committee received testimony in support of the nomination for the reappointment of Mary Ann Antonelli from the University of Hawaii John A. Burns School of Medicine and one individual.

Upon review of the testimony and her qualifications, your Committee finds that Dr. Antonelli's current position as the Associate Chief of Staff for Education at the Veteran's Affairs Pacific Islands Health Care System, fifty years of experience in medical education, and over twenty years of experience in high-level leadership positions qualify her to be appointed to the Hawai'i Medical Education Council as the member representing the federal health sector. Your Committee finds that Dr. Antonelli began teaching in 1971, and has since held academic positions at various institutions, including Tripler Army Medical Center, West Virginia University School of Medicine, and the University of Hawaii John A. Burns School of Medicine. Your Committee notes that Dr. Antonelli was certified in internal medicine in 1974 and has since served in various positions at various hospitals, including as a Rheumatologist at Tripler Army Medical Center and the Veteran's Affairs Medical Center Clinic in Honolulu, Hawaii. Dr. Antonelli continues to serve in numerous academic and medical positions, including as a Clinical Professor of Medicine and Director of Women in Biomedical Science at the University of Hawaii John A. Burns School of Medicine, the Chief of Rheumatology at the University of Hawaii's Department of Medicine, and Chief of Staff for Education at the Veteran's Affairs Pacific Islands Health Care System. Your Committee finds that Dr. Antonelli's career in medical education for over fifty years illustrates her dedication and commitment to educating future generations in the medical industry, and therefore, recommends that she be appointed to the Hawai'i Medical Education Council.

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, 4. Noes, none. Excused, 1 (Wakai).

SCRep. 1797 Higher Education on Gov. Msg. Nos. 573, 574, and 575

Recommending that the Senate advise and consent to the nominations of the following:

WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION (WICHE)

G.M. No. 573 DAVID LASSNER, for a term to expire 06-30-2022;

G.M. No. 574 JOHN MORTON, for a term to expire 06-30-2024; and

G.M. No. 575 COLLEEN SATHRE, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by David Lassner, John Morton, and Colleen Sathre for service on the Western Interstate Commission for Higher Education (WICHE).

DAVID LASSNER

Your Committee received testimony in support of the nomination for the reappointment of David Lassner from WICHE and one individual.

Upon review of the testimony and his qualifications, your Committee finds that Dr. Lassner's over forty years of service with the University of Hawaii, including as its President since 2013, qualify him to be reappointed to WICHE. Your Committee notes testimony that Dr. Lassner has been a member of WICHE for a total of six years, and as its current Vice Chair and member of its Executive Committee, he has been providing guidance and valuable input on matters of importance to Hawaii and the western region. Your Committee further notes that with his professional background in information technology and communications, Dr. Lassner has been a valuable asset to WICHE as it grapples with the effects of the coronavirus disease 2019 pandemic to best support students in their academic and professional endeavors. Your Committee also finds that as the President of the University of Hawaii, Dr. Lassner is best situated to consider suggestions that WICHE may have for the institution. Your Committee therefore recommends the reappointment of Dr. Lassner to WICHE based on his commitment to higher education, professional experience in policy and leadership at the University of Hawaii, and professional experience and knowledge in information technology and communication.

JOHN MORTON

Your Committee received testimony in support of the nomination for the appointment of John Morton from WICHE and one individual

Upon review of the testimony and his qualifications, your Committee finds that Dr. Morton's over fifty years of service with the University of Hawaii System until his retirement in 2019, including a total of thirty-five years as the former Vice President for Community Colleges and Provost/Chancellor at Kapiolani Community College, qualify him to be appointed to WICHE. Your Committee notes that Dr. Morton led the community colleges through some of the most challenging and transformative years, including increasing access to higher education by decreasing the cost of attending college and launching of the Hawaii Promise scholarship program. Dr. Morton also participated in the Western Alliance of Community College Academic Leaders, where he worked with the community colleges and technical schools in the western region and the State's governing boards. Your Committee also notes Dr. Morton's extensive experience in serving on various boards, including his current membership in the Assets School Board of Trustees, for which he previously served as chair, and the Pacific Asian Affairs Council. Your Committee therefore recommends the appointment of Dr. Morton to WICHE based on his extensive experience and knowledge in the administration of community colleges, dedication to increasing access to higher education for Hawaii's workforce, experience working with WICHE, and proven leadership on various boards.

COLLEEN SATHRE

Your Committee received testimony in support of the nomination for the reappointment of Colleen Sathre from WICHE and one individual.

Upon review of the testimony and her qualifications, your Committee finds that Dr. Sathre's forty-four years of extensive experience in contributing to the University of Hawaii's policy and planning decisions in various positions, including as its Vice President Emeritus since 2004, qualify her to be reappointed to WICHE. Your Committee notes that Dr. Sathre has been serving on WICHE for more than five years and is currently a member of its Policy Research and Analysis Committee and Nominating Committee. Your Committee also notes that Dr. Sathre has spent her entire career in public service and has shared her expertise as a higher education planning consultant with institutions other than the University of Hawaii, including the Consortium of Pacific Education. Your Committee further notes testimony attesting to Dr. Sathre's first-hand knowledge on WICHE's need for creative and thoughtful solutions to address the difficult issues it faces and her ability to identify, articulate, and implement strategic initiatives at scale. Your Committee therefore recommends appointment of Dr. Sathre to WICHE based on her extensive experience and knowledge in academic policy and planning, commitment to public service through education, and ability to formulate effective plans to assist WICHE in addressing the educational challenges and opportunities in the region.

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, 4. Noes, none. Excused, 1 (Wakai).

SCRep. 1798 Higher Education on Gov. Msg. Nos. 616, 617, 618, 619, and 620

Recommending that the Senate advise and consent to the nominations of the following:

HAWAI'I MEDICAL EDUCATION COUNCIL

- G.M. No. 616 LESLIE CHUN, for a term to expire 06-30-2025;
 G.M. No. 617 NICOLE APOLIONA, for a term to expire 06-30-2021;
 G.M. No. 618 NICOLE APOLIONA, for a term to expire 06-30-2025;
- G.M. No. 619 LINDA ROSEN-DEBOLD, for a term to expire 06-30-2023; and
- G.M. No. 620 LISA RANTZ, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Leslie Chun, Nicole Apoliona, Linda Rosen-Debold, and Lisa Rantz for service on the Hawai'i Medical Education Council.

LESLIE CHUN

Your Committee received testimony in support of the nomination for the appointment of Leslie Chun from the University of Hawaii John A. Burns School of Medicine and one individual.

Upon review of the testimony and his qualifications, your Committee finds that Dr. Chun's current position as the Chief Executive Officer of the Hawai'i Pacific Health Medical Group qualifies him to be appointed to the Hawai'i Medical Education Council as one of the three members representing a hospital at which accredited graduate medical education programs are conducted. Your Committee finds that prior to his current position, Dr. Chun served as the Chief Quality Officer, Chief Medical and Quality Officer/Vice President of Medical Affairs at The Queen's Medical Center, during which he led the collaboration with John Hopkins University to accelerate improvements in quality and safety. Your Committee also notes Dr. Chun's strong commitment to medical education as evidenced by his appointment as an Assistant Clinical Professor with the University of Hawaii John A. Burns School of Medicine's Department of Medicine since 2015, his role in launching The Queen's Medical Center's Advanced Quality Training Program, and teaching residents at The Queen Emma Clinic for the underserved during his time at The Queen's Medical Center. Your Committee therefore recommends that Dr. Chun be appointed to the Hawai'i Medical Education Council based on his professional expertise and knowledge in the management of medical centers and quality control of medical services and strong commitment to medical education.

NICOLE APOLIONA

Your Committee received testimony in support of the nomination for the appointment and reappointment of Nicole Apoliona from the University of Hawaii John A. Burns School of Medicine and three individuals.

Upon review of the testimony and her qualifications, your Committee finds that Dr. Apoliona has been serving on the Hawai'i Medical Education Council as an interim member since September 2020, and that her twenty-four years of experience as a family practice physician and thirteen years of experience as the Medical Director of Kula Hospital and Clinic, a critical access hospital that is a part of the Maui Health System, qualify her to be appointed and reappointed to the Council as one of the members representing the health professions community. Your Committee finds that as Medical Director of a hospital on Maui, Dr. Apoliona has been exposed to challenges in recruiting and retaining physicians and has therefore been a constant advocate for addressing physician workforce shortage in rural areas through a system-wide, community-engaged approach. Your Committee also notes Dr. Apoliona's strong commitment to medical education, as evidenced by her appointment as an Assistant Clinical Professor at the University of Hawaii John A. Burns School of Medicine's Department of Family Medicine and Community Health since October 2013, where she trains and encourages medical students to pursue further training and career in rural areas of Hawaii. Your Committee therefore recommends that Dr. Apoliona be appointed and reappointed to the Hawai'i Medical Education Council based on her unique perspective as an actively practicing physician on Maui, understanding of the issue of physician workforce shortage on the neighbor islands, and commitment to medical education.

LINDA ROSEN-DEBOLD

Your Committee received testimony in support of the nomination for the appointment of Linda Rosen-Debold from the University of Hawaii John A. Burns School of Medicine, Board of Directors of the Hawaii Health Systems Corporation, East Hawaii Region of Hawaii Health Systems Corporation, and one individual.

Upon review of the testimony and her qualifications, your Committee finds that Dr. Rosen-Debold's over thirty years of experience in the medical field and over fifteen years of experience in high-level leadership positions in the public medical sector qualify her to be appointed to the Hawai'i Medical Education Council as one of the members representing the health professions community. Your Committee notes that in addition to being a pediatrician since 1985, Dr. Rosen-Debold also holds a Master of Public Health degree. Dr. Rosen-Debold currently serves as the President and Chief Executive Officer of Hawaii Health Systems Corporation, a public corporation that serves as a safety net for neighbor island acute care and long-term care in the State. Prior to her current position, Dr. Rosen-Debold served for fifteen years with the Department of Health in various executive positions. Your Committee also notes Dr. Rosen-Debold's strong commitment to medical education, as evidenced by her various faculty appointments at the University of Hawaii John A. Burns School of Medicine since 1987, including her current position as an Associate Clinical Professor of Pediatrics and Surgery. Your Committee therefore recommends that Dr. Rosen-Debold be appointed to the Hawaii'i Medical Education Council based on her clinical health care background combined with experience in health care system-development, extensive experience in the medical field and public medical sector and commitment to medical education.

LISA RANTZ

Your Committee received testimony in support of the nomination for the reappointment of Lisa Rantz from the University of Hawaii John A. Burns School of Medicine; Board of Directors of the Hawaii Health Systems Corporation; East Hawaii Region of Hawaii Health Systems Corporation; Community First, Inc.; Floral Construction and Development Company, Inc.; Hawaii Island Chamber of Commerce; Hawaii Physician Shortage Crisis Task Force; Hawaii Radiologic Society; and thirty-one individuals.

Upon review of the testimony and Ms. Rantz's qualifications, your Committee finds that Ms. Rantz has been serving on the Hawai'i Medical Education Council since 2017 as a member of the general public, and if reappointed, will continue to serve in the same capacity. Your Committee finds that Ms. Rantz is currently the Executive Director of the Hilo Medical Center Foundation, which initiates projects that enhance health care and services at the Hilo Medical Center, including its Pre-Health Career Corps Program that establishes a health care workforce on the island of Hawaii. Your Committee notes that Ms. Rantz has successfully obtained and managed over \$5,000,000 in grants that support educational opportunities for socioeconomically disadvantaged students and their families in rural Hawaii. Ms. Rantz also led efforts to obtain a federal Health Professions Shortage Designation for the counties of Hawaii, Maui, and Kauai, and parts of Oahu, which provided rural medical practices access to loan repayment programs and ten percent quarterly bonuses for Medicare and Medicaid direct-billed services, enabling some practices to continue operations. Your Committee also notes Ms. Rantz's extensive history of community service, including serving as the President of the Hawaii State Rural Health Association since 2019. Your Committee therefore recommends that Dr. Rosen-Debold be reappointed to the Hawaii'i Medical Education Council based on her wealth of experience and knowledge in working with local communities to meet the medical needs of

the people of Hawaii, commitment to promoting medical education, and dedication to the enhancement of health care throughout the

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. 1799 Labor, Culture and the Arts on Gov. Msg. No. 804

Recommending that the Senate advise and consent to the nomination of the following:

HAWAI'I SISTER STATE COMMITTEE

G.M. No. 804 EDUARDO TOPENIO JR., for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Eduardo Topenio Jr. for service on the Hawai'i Sister State Committee (Sister State Committee).

Your Committee received testimony in support of the nomination for the reappointment of Mr. Topenio from the Department of Business, Economic Development, and Tourism.

Upon review of the testimony and Mr. Topenio's qualifications, your Committee finds that Mr. Topenio has been serving on the Sister State Committee since 2014. Mr. Topenio is currently the Administrative Assistant to the County Clerk, County of Kauai, a position he has held since January 2012. He also served as Deputy County Clerk from May 2010 to January 2012. Prior to his employment with the County of Kauai, Mr. Topenio spent ten years in the tourism and hospitality industry on Kauai as a Banquet Manager at the Princeville Hotel. Your Committee further finds that Mr. Topenio has extensive experience in community service. He speaks Ilocano and has volunteered his time in numerous community organizations on Kauai, including the Kauai Filipino Chamber of Commerce, for which he previously served as President; Kauai Hospice, for which he has been serving as a volunteer for over fifteen years; and Kapaa Rotary, for which he has been serving as a volunteer for over ten years.

Your Committee notes that Hawaii's sister-state relationship with the Republic of the Philippines is among the strongest, with five of the State's eighteen sister-state relationships being with provinces thereof.

Your Committee finds that Eduardo Topenio Jr.'s understanding and knowledge on the local government of Kauai and Kauai's Filipino community, his fluency in Ilocano, experience in tourism and hospitality, and commitment to the enhancement of Hawaii's sister-state relationships with the Republic of the Philippines, will continue to be valuable assets to the Sister State Committee.

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, 3. Noes, none. Excused, 2 (Keohokalole, Fevella).

SCRep. 1800 Labor, Culture and the Arts on Gov. Msg. Nos. 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, and 605

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII WORKFORCE DEVELOPMENT COUNCIL

- G.M. No. 594 CHARLES SHIMA, for a term to expire 06-30-2023; G.M. No. 595 JASON BRAND, for a term to expire 06-30-2024;
- G.M. No. 596 KIRA HIGA, for a term to expire 06-30-2024;
- G.M. No. 597 IAN KITAJIMA, for a term to expire 06-30-2023;
- G.M. No. 598 BRIAN TATSUMURA, for a term to expire 06-30-2023;
- G.M. No. 599 CARY MIYASHIRO, for a term to expire 06-30-2021;
- G.M. No. 600 CARY MIYASHIRO, for a term to expire 06-30-2025;
- G.M. No. 601 KEN LOUI, for a term to expire 06-30-2024;
- G.M. No. 602 APRIL CHUN ACQUAVELLA, for a term to expire 06-30-2024;
- G.M. No. 603 BRIAN LEE, for a term to expire 06-30-2024;
- G.M. No. 604 JASON BRADSHAW, for a term to expire 06-30-2021; and
- G.M. No. 605 JASON BRADSHAW, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Charles Shima, Jason Brand, Kira Higa, Ian Kitajima, Brian Tatsumura, Cary Miyashiro, Ken Loui, April Chun Acquavella, Brian Lee, and Jason Bradshaw for service on the Hawaii Workforce Development Council (Council).

CHARLES SHIMA

Your Committee received testimony in support of the nomination for the reappointment of Charles Shima from the Council, Plumbers and Fitters United Association (UA) Local 675, Plumbing and Mechanical Contractors Association of Hawaii, and one individual.

Upon review of the testimony and Mr. Shima's qualifications, your Committee finds that Mr. Shima served on the Council from 2016 to 2019. Section 202-001(a)(4), Hawaii Revised Statutes, and title 29 United States Code section 3111(b)(1)(C)(ii) require the Council to have members who represent the workforce within the State, including representatives of labor organizations, apprenticeship programs, and employment and training organizations. Mr. Shima previously served on the Council as one of the workforce/labor members, and if reappointed, will serve in the same capacity. During his time on the Council, Mr. Shima was an active member of the Military and Veterans Affairs Committee. Your Committee finds that Mr. Shima has close to thirty years of experience in the plumbing and mechanical trades in which he began as a licensed plumber after graduating from the Plumbers and Fitters UA Local 675's Apprenticeship Program. He was an instructor for the program for twenty-three years, a UA Certified Instructor for fifteen years, and became the programs' Training Coordinator in 2015. As Training Coordinator, Mr. Shima manages all operations of the Apprenticeship Program, including the oversight of approximately six hundred apprentices throughout the State. Your Committee notes the Council's testimony stating that assistance from Mr. Shima, with his vast experience in the construction industry representing the plumbers and pipefitters, is needed to help identify the barriers associated with better preparation and positioning of local labor to fill positions.

Your Committee finds that Mr. Shima's extensive experience in the plumbing and mechanical trade, construction industry, and his proven leadership will be valuable assets to the Council.

JASON BRAND

Your Committee received testimony in support of the nomination for the appointment of Jason Brand from the Council, American Savings Bank, Kunia Country Farms LLC, Ulupono Initiative, and one individual.

Upon review of the testimony and Mr. Brand's qualifications, your Committee finds Mr. Brand's professional experience and background in development and management of sustainable farming operations, production of derivative products, as well as knowledge in global finance, qualify him to be nominated for appointment to the Council. Section 202-001(a)(3), Hawaii Revised Statutes, and title 29 United States Code section 3111(b)(1)(C)(i) require the Council to have members who represent the businesses in the State, including business owners and business executives. If appointed, Mr. Brand will serve as one of the Council's business executive members. Your Committee notes that Mr. Brand is currently the President of Brand Industrial Group Inc. (BIG), a Hawaii corporation established in 2010. Mr. Brand and BIG holds active equity positions in eight ventures in Hawaii in industries such as sustainable farming, aquaculture, craft distillery, digital media, digital payments, pro-gaming, and film production. Mr. Brand is the co-founder and active manager of multiple companies in Hawaii, including Kunia Country Farms, LLC, a major supplier of aquaponic lettuce in the State; Manulele Farms, LLC, a sugar cane farming company; and Manulele Distillers, LLC dba Ko Hana Distillers that produces Ko Hana Hawaiian Agricole Rum, a high-end rum produced from freshly pressed cane juice. Before moving to Hawaii in 2008, Mr. Brand retired as the President of Merrill Lynch Asia, overseeing a multi-billion-dollar business with over five thousand employees, operating across many cultures, languages, and countries. Your Committee notes that Mr. Brand graduated from Cornell University and received his chartered financial analyst designation in 1997.

Your Committee also notes that Mr. Brand, utilizing his experiences in finance and agriculture, currently chairs the USDA Advisory Committee on Beginning Farmers and Ranchers under the Secretary of Agriculture. He also serves as the President of the Hawaii Foundation for Agriculture Research. Your Committee notes the Council's testimony regarding Mr. Brand's service on the Council as an interim member and its intent to create an Agriculture Committee under his leadership to address matters such as sustainable farming and aquaculture, agriculture modernization, and economic opportunities.

Your Committee finds that Mr. Brand's knowledge and experience in entrepreneurship, finance, management, and agriculture, and his commitment to Hawaii will continue to be valuable assets to the Council.

KIRA HIGA

Your Committee received testimony in support of the nomination for the appointment of Kira Higa from the Council; Brown and Brown Pacific Insurance Services, Inc.; Hawaiian Telcom, Inc.; Patsy T. Mink Center for Business and Leadership, Women's Business Center; and seventeen individuals.

Upon review of the testimony and Ms. Higa's qualifications, your Committee finds that Ms. Higa's professional experience and background in human resources management and workforce development strategies and tactics qualify her to be nominated for appointment to the Council as one of its business executive members. Your Committee notes that Ms. Higa has more than a decade of experience in the telecommunication and technology sector, with the majority of such time spent in progressively responsible roles in the field of human resources (HR). She is currently the Director of HR for Hawaiian Telcom, Inc., and is responsible for duties such as effectively designing, implementing, and executing HR programs and initiatives throughout the company; directing the day-to-day operations of the HR department; and plans, directs, and carries out policies relating to all phases of personnel activity. Ms. Higa held various positions within the company since 2009, including Senior HR Manager, Senior Manager - Benefits, Labor Relations Manager, Benefits Coordinator, and Wholesale Collections Analyst. Ms. Higa was also employed as a Trustee Secretary by the Office of Hawaiian Affairs from 2005 to 2009. Your Committee notes that Ms. Higa graduated magna cum laude from Concordia University with a Bachelor of Arts degree in Behavioral Science – Psychology and minor in Business Administration. Your Committee notes the Council's testimony regarding its intent to have Ms. Higa serve on its Employer Engagement Committee and share her knowledge and experience in training and upskilling workers, and successful employee-employer business practices.

Your Committee finds that the breadth and depth of Ms. Higa's experience and knowledge in human resources management, workforce development strategies and tactics, effective communication, and proven leadership skills will be valuable assets to the Council.

IAN KITAJIMA

Your Committee received testimony in support of the nomination for the reappointment of Ian Kitajima from the Council; Oceanit Laboratories, Inc.; HawaiiKidsCAN, and two individuals.

Upon review of the testimony and Mr. Kitajima's qualifications, your Committee finds that Mr. Kitajima has been the Director/Tech Sherpa at Oceanit Laboratories, Inc. since June 2001. In that position, he is responsible for leading the company into new areas of business, such as energy, nano technology, and robotics; innovative recruitment of talented engineers and scientists; and implementation of new ways of thinking, such as design thinking. Mr. Kitajima has also been co-hosting Geek Beat on Hawaii News Now since August 2018. Prior to his current position, Mr. Kitajima was also a founding member of Hoana Medical, Inc., IBIS Networks, Inc., and Nanopoint, Inc. Your Committee notes that Mr. Kitajima received his Bachelor of Business Administration from the University of Hawaii with a dual major in Marketing and International Business. Your Committee also notes that Mr. Kitajima has been serving on the Council since 2017, and according to testimony of the Council, Mr. Kitajima has been a very active member. He has taken leadership as a member of the Executive Committee, has been co-chairing the Youth Services Committee, and sharing his design thinking and strategic approaches during recent economically challenging times.

Your Committee finds that Mr. Kitajima's professional experience, knowledge, and background in technology development, start-up entrepreneurship, and public-private partnerships will continue to be valuable assets for the Council.

BRIAN TATSUMURA

Your Committee received testimony in support of the nomination for the reappointment of Brian Tatsumura from the Council and two individuals.

Upon review of the testimony and Mr. Tatsumura's qualifications, your Committee finds Mr. Tatsumura has over four decades of experience in the retail industry in Hawaii, starting as a Stockperson at Nordstrom, Inc. and working his way up to his final position as Store Manager. Mr. Tatsumura currently works as a consultant at Briant808 LLC, a company he established in August 2017. Mr. Tatsumura has an extensive history of community involvement. He has been on the Board of Directors of the Public Schools of Hawaii Foundation since 2008, and has previously served as a board member of the American Red Cross Hawaii Chapter; board member of the Chamber of Commerce Hawaii and chair of its Workforce Development Education Council; chair of the Ala Moana Center Merchants Association Board of Directors; member of Retail Merchants of Hawaii, Inc.'s board and its Executive Committee; and board member of the Aloha United Way. Your Committee also notes that Mr. Tatsumura has been serving on the Council since 2016. According to the Council, Mr. Tatsumura has been an active board member, serving as the Vice Chair of the Employer Engagement Committee.

Your Committee finds that Mr. Tatsumura's experience and knowledge of the retailing and merchandising industry in Hawaii, which is one of the State's largest industries, and his keen customer service orientation and perspective will continue to be valuable assets to the Council.

CARY MIYASHIRO

Your Committee received testimony in support of the nomination for the appointment and reappointment of Cary Miyashiro from the Council and eight individuals.

Upon review of the testimony and Mr. Miyashiro's qualifications, your Committee finds that Mr. Miyashiro's professional experience and background in helping Hawaii's students, young adults, and individuals with disabilities to enter the workforce qualify him to be nominated for appointment to the Council as one of its business executive members. Mr. Miyashiro has been a Community Outreach Representative for the HawaiiUSA Federal Credit Union (Credit Union) since January 1990. Your Committee notes that prior to his current position, Mr. Miyashiro co-owned The Sports Villa from 1982 to 1996 and worked in automotive retail sales at Pflueger Lincoln-Mercury Honda, Aloha Motors, Inc., and Airport Volkswagen.

Your Committee finds that Mr. Miyashiro, as the Community Outreach Representative of the Credit Union, has been developing working relationships with the Department of Education (DOE) and various schools and educational institutions in order to create transition pathways for students to eventually enter the workforce and become contributing members of society. In 1994, Mr. Miyashiro established the Academy of Finance program in Hawaii in partnership with Waipahu High School. Mr. Miyashiro also supported the creation of student-operated credit unions by fourth graders at Island Pacific Academy and at Campbell High School to provide opportunities for the students to understand financial literacy and gain real-life work experience. Your Committee notes the Council's testimony stating that Mr. Miyashiro has been instrumental in the development of a pilot project at Kapolei High School to build business partnerships to assist individuals with disabilities to enter the workforce. Mr. Miyashiro also contributed to the development of customer service standards for the Workforce Development Diploma Program which is a key component of DOE's Hawaii Workforce Pathway System, designed to meet the needs of those students entering the workforce with job entry that does not require a high school diploma. Mr. Miyashiro has an extensive history of community involvement. He has been serving on the DOE's Career and Technical Education Advisory Committee for the past sixteen years, and chairs the Adult and Community Education Advisory Council, which provides advice to the Board of Education on DOE's adult and community education programs. Mr. Miyashiro also chairs the School Community Councils at Kapolei High School and McKinley Community School for Adults; and is a member of School Community Councils at Honouliuli Middle School, Central Middle School, Waikele Elementary School, Waimalu Elementary School, Pauoa Elementary School, and Hokulani Elementary School.

Your Committee finds that Mr. Miyashiro's proven wealth of experience and knowledge in assisting and preparing Hawaii's students, young adults, and individuals with disabilities to enter the workforce align well with the work of the Council and will be valuable assets to the Council.

KEN LOUI

Your Committee received testimony in support of the nomination for the appointment of Ken Loui from the Council and five individuals.

Upon review of the testimony and Mr. Loui's qualifications, your Committee finds that Mr. Loui's professional experience and background in construction project management and business development and management qualify him to be nominated for appointment to the Council as one of its business executive members. Your Committee notes that Mr. Loui has over thirty years of experience in construction project management and engineering, technical research, design, business management, and business development. He is currently the Vice President and Group Manager at Pacific Marine and Supply Inc., with direct oversight of two operating companies, Pacific Shipyards International, LLC and HSI Mechanical, Inc. In that position, Mr. Loui's duties include providing strategic leadership and planning; recruiting, selecting, and training individuals for senior management positions; and developing and fostering positive relationships with industry professionals. Mr. Loui's previous work history includes President and Principal Responsible Managing Employee (RME) of GSI Pacific Inc.; Principal RME and Senior Project Manager at Parsons Corporation's Hawaii office; Chief Engineer at Unitek Solvent Services, Inc.; Engineering Manager at Unit Process Company's Hawaii office; Project Manager at HSI Mechanical, Inc.; and Space Systems Engineer with the United States Air Force Phillips Laboratory. Your Committee notes that Mr. Loui holds Bachelor of Science degrees in Nuclear Engineering and Mechanical Engineering from Northwestern University, and a Master of Science degree in Mechanical Engineering from the University of Hawaii.

Your Committee finds that Mr. Loui's experience has provided him with a thorough understanding of the knowledge and skills needed for workers in Hawaii's construction and marine industries. Furthermore, according to the Council, Mr. Loui also spent time in Germany, where he learned first-hand how well-planned and implemented trade-related training programs are essential to the success of a nation's economy and society.

Your Committee finds that Mr. Loui's experience and knowledge in construction project management and business development and management, and his understanding of the needs and benefits of a well-trained and educated workforce will be valuable assets to the Council.

APRIL CHUN ACQUAVELLA

Your Committee received testimony in support of the nomination for the appointment of April Chun Acquavella from the Council, Department of Labor and Industrial Relations Workforce Development Division, Hawaii Carpenters Apprenticeship and Training Fund, YouthBuild Waimanalo, and four individuals.

Upon review of the testimony and Ms. Acquavella's qualifications, your Committee finds that Ms. Acquavella's professional experience and background in the skilled trades, administering and teaching at apprenticeship programs, and preparing Hawaii's youth to enter the workforce qualify her to be nominated for appointment to the Council as one of its workforce/labor members. Ms. Acquavella is currently a Training Coordinator with the Hawaii Carpenters Apprenticeship and Training Fund (Fund). In that position, Ms. Acquavella administers the registered apprenticeship programs. In addition to working with current apprentices, Ms. Acquavella also focuses on recruitment of apprentices by working closely with state and federal agencies, including the Department of Labor and Industrial Relations Workforce Development Division, Department of Education (DOE), University of Hawaii System Community Colleges, and other career building organizations such as YouthBuild Waimanalo and the Youth Challenge Academy. Ms. Acquavella also administers the Fund's Career Connections program in partnership with the DOE to bring a work-ready curriculum to local high schools and organizing hands-on experiences with the Fund's summer internship program. Prior to her current position, Ms. Acquavella taught math and print reading within the Fund's apprenticeship program, as well as design and advertising courses as a lecturer for the Apprenticeship Program and Communication Arts Department at the University of Hawaii Honolulu Community College (HCC). Ms. Acquavella's marketing and design expertise was developed through two decades as a designer and art director with companies in Hawaii and California.

Your Committee notes that Ms. Acquavella obtained a Bachelor of Business Administration degree in Marketing with distinction from the University of Hawaii. An interest in the building industry led her to return to school after twenty years and in 2016, she earned an Associate of Applied Science degree in Carpentry Technology with Honors from HCC. She graduated from HCC as valedictorian and continues to work with the college to provide opportunities for graduates to continue their education and work towards a journeyworkers' certificate. Your Committee also notes the Council's testimony regarding its intent to have Ms. Acquavella serve on its Youth Services Committee to develop more programs and opportunities for Hawaii's youth.

Your Committee finds that Ms. Acquavella's experience and knowledge in preparing young adults to enter the workforce and increasing awareness of the skilled trades by active engagement through apprenticeship programs, career fairs, and speaking engagements will be valuable assets to the Council.

BRIAN LEE

Your Committee received testimony in support of the nomination for the reappointment of Brian Lee from the Council; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, and one individual.

Upon review of the testimony and Mr. Lee's qualifications, your Committee finds that Mr. Lee is currently the Executive Director at the Hawaii Laborers and Employers Cooperation and Education Trust Fund, which is a partnership between the five thousand statewide members of the Hawaii Laborers Union, Local 368, and over two hundred fifty signatory union contractors. Mr. Lee has previously served in various leadership roles for labor organizations in Hawaii, including the International Brotherhood of Electrical Workers, Hawaii Operating Engineers, and Hawaii Construction Industry Association. Having served on the Oahu Workforce Development Board, Mr. Lee also has a strong understanding of the public workforce in Hawaii. Your Committee finds that Mr. Lee has been serving on the Council since the summer of 2018, initially as an interim appointee until 2019 when he was officially appointed as a member. Your Committee notes the Council's testimony regarding Mr. Lee as a very active member. Mr. Lee serves as a member of the Executive Committee and chairs the Performance Measures and Accountability Committee. Under Mr. Lee's leadership, the Performance Measures and Accountability Committee will be conducting statewide evaluations of training providers and service providers, along with training of training providers.

Your Committee finds that Mr. Lee's comprehensive understanding of the needs of the State's workforce, experience and ability to work with both labor and management sides of employment, and his knowledge of collective bargaining, union, and non-union issues will continue to be valuable assets to the Council.

JASON BRADSHAW

Your Committee received testimony in support of the nomination for the appointment and reappointment of Jason Bradshaw from the Council; Hawaii Iron Workers' Stabilization Fund; Hawaii State Teachers Association; Hawaii Teamsters and Allied Workers Local 996; I.A.T.S.E. Local 665; International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers Union, AFL-CIO, Local Union #625; International Longshore and Warehouse Union Local 142; International Organization of Masters, Mates and Pilots; United Food and Commercial Workers Union, Local 480; and five individuals.

Upon review of the testimony and Mr. Bradshaw's qualifications, your Committee finds that Mr. Bradshaw's professional experience and background in advocating for labor opportunities and workforce development qualify him to be nominated for appointment to the Council as one of its workforce/labor members. Your Committee finds that Mr. Bradshaw is currently a Legislative Representative with the International Longshore and Warehouse Union Local 142 (ILWU). Your Committee notes the Council's testimony regarding the instrumental role the ILWU played after the closure of the Hawaiian Commercial and Sugar Company in 2016, in helping the displaced workers by securing additional federal funds through the U.S. Department of Labor's Trade Adjustment Assistance for Workers Program. Prior to his current position, Mr. Bradshaw served as the Political Director with the Hawaii's State AFL-CIO, as a Staff Assistant with United States Senator Daniel K. Inouye, and as an Intern with United States Senator Daniel K. Akaka. Your Committee notes that Mr. Bradshaw obtained his Bachelor of Science degree in Political Science with a focus in Economy and Politics from Northern Arizona University. Mr. Bradshaw's other community involvement includes chairing the Labor Caucus and being a member of the State Central Committee of the Democratic Party of Hawai'i, and being a board member of the Labor Education Advisory Council and the AFL-CIO Executive Board.

Your Committee finds that Mr. Bradshaw's experience in advocating for labor opportunities and workforce development as well as the knowledge he obtained during his time in the public and private sectors, labor industry, and service as Congressional staff will be valuable assets to the Council.

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. 1801 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. Nos. 792 and 793

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII PAROLING AUTHORITY

G.M. No. 792 MILTON KOTSUBO, for a term to expire 06-30-2022; and

G.M. No. 793 CAROL MATAYOSHI, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Milton Kotsubo and Carol Matayoshi for service on the Hawaii Paroling Authority.

MILTON KOTSUBO

Your Committee received testimony in support of the nomination for the appointment of Milton Kotsubo from the Department of Public Safety and five individuals.

Upon review of the testimony, your Committee finds that Mr. Kotsubo's experience, background, and commitment to public service qualify him for appointment to the Hawaii Paroling Authority. Your Committee notes that Mr. Kotsubo has over forty years of experience with Hawaii's offender population. He earned a Master's degree in social work and a Bachelor of Arts degree in psychology from the University of Hawaii at Manoa. Mr. Kotsubo has a diverse social work background and has gained broad experience and in-depth knowledge about the public safety and judiciary system. While employed by the Department of Public Safety from 1983 to 2014, he held various positions, ranging from direct case management with prisoners to supervision of the Intake Service Division. Your Committee further notes that Mr. Kotsubo has been nominated to serve on various professional and governmental bodies, such as the Criminal Pretrial Task Force and the Correctional Program Checklist Subcommittee of the Interagency Council on Intermediate Sanctions. Your Committee further finds that Mr. Kotsubo understands the roles and responsibilities of board members and that his extensive experience will enhance the effectiveness of the Hawaii Paroling Authority. Your Committee therefore recommends that Milton Kotsubo be appointed to the Hawaii Paroling Authority based on his knowledge, experience, and commitment to public service.

CAROL MATAYOSHI

Your Committee received testimony in support of the nomination for the appointment of Carol Matayoshi from the Department of Public Safety, Hawaii Paroling Authority, and four individuals.

Upon review of the testimony, your Committee finds that Ms. Matayoshi's experience, background, and commitment to public service qualify her for appointment to the Hawaii Paroling Authority. Your Committee notes that Ms. Matayoshi has over twenty-four years of experience with Hawaii's chronically homeless population, many of whom suffer from severe and persistent mental illness and/or substance abuse disorders. She earned a Master of Arts degree in forensic psychology from Argosy University and a Bachelor of Arts degree in psychology from the University of Hawaii at Hilo. Ms. Matayoshi has created, funded, and managed a plethora of programs that provide a wide range of services for culturally diverse populations. Your Committee further notes that she has served in professional and community organizations, including Ka Hui Laulima and Hawai'i Island Going Home Consortium. Your Committee further finds that Ms. Matayoshi has served on the State Council on Mental Health since 2018 and thoroughly understands the roles and responsibilities of board members. Her knowledge of reintegration practices and experience as a case manager, program director,

and grant administrator will enhance the effectiveness of the Hawaii Paroling Authority. Your Committee therefore recommends that Carol Matayoshi be appointed to the Hawaii Paroling Authority based on her 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, 5. Noes, none. Excused, none.

SCRep. 1802 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 712

Recommending that the Senate advise and consent to the nomination of the following:

COMPACT ADMINISTRATOR FOR THE INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

G.M. No. 712 BROOK MAMIZUKA, for a term to expire 03-04-2025

Your Committee reviewed the personal history, resume, and statement submitted by Brook Mamizuka for service as the Compact Administrator for the Interstate Commission for Adult Offender Supervision.

Your Committee received testimony in support of the nomination for the appointment of Brook Mamizuka from the Judiciary and Hawaii Paroling Authority. Your Committee received testimony in opposition to the nomination for the appointment of Brook Mamizuka from two individuals.

Upon review of the testimony, your Committee finds that Brook Mamizuka's compassion, experience, and knowledge in the field of interstate adult supervision qualify her to be nominated for appointment as the Compact Administrator for the Interstate Commission for Adult Offender Supervision. Your Committee further finds that Ms. Mamizuka is currently the Social Services Manager for the Adult Client Service Branch of the First Circuit, which provides probation and probation-related services for the District, Family, and Circuit Courts. Ms. Mamizuka is also currently serving as Hawaii's Deputy Compact Administrator for the Hawaii Council for Interstate Adult Offender Supervision. Your Committee notes that testimony states that under Ms. Mamizuka's leadership and management, Hawaii will continue to fulfill its responsibilities to promote public safety, protect the rights of victims, control movement of offenders, provide for effective tracking of offenders, and engage in the supervision and rehabilitation of offenders. Your Committee therefore recommends that Ms. Mamizuka be appointed as the Compact Administrator for the Interstate Commission for Adult Offender Supervision based on her background, compassion, and professionalism.

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, 5. Noes, none. Excused, none.

SCRep. 1803 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 803

Recommending that the Senate advise and consent to the nomination of the following:

ADVISORY BOARD ON VETERANS' SERVICES

G.M. No. 803 BRIDGET KOMINE, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Bridget Komine for service on the Advisory Board on Veteran's Services.

Your Committee received testimony in support of the nomination for the reappointment of Bridget Komine from five individuals.

Upon review of the testimony, your Committee finds that Ms. Komine's experience, background, and commitment to promoting and supporting veteran issues qualify her to be reappointed to the Advisory Board on Veterans' Services as a voting member who is a female veteran and resides in the City and County of Honolulu. Your Committee notes that Ms. Komine has served in the United States Air Force and Hawaii Air National Guard for over thirty years and retired as a Chief Master Sergeant. She has been the Assistant Director of the United States Department of Labor, Veterans Employment and Training Service, for Hawaii and Guam since 2012. Your Committee further notes that Ms. Komine is also an active member in professional and governmental bodies, such as the Hawai'i Women Military Veterans Task Force and State Veterans Summit Planning Committee. Your Committee further finds that she has served on the Advisory Board on Veteran's Services since 2016 and was recently unanimously elected as the chairperson of the Board. Ms. Komine has a thorough understanding of the role and responsibilities of board members, and her past military service and specialized knowledge of veteran services will continue to be assets to the Advisory Board on Veterans' Services. Your Committee therefore recommends that Bridget Komine be reappointed to the Advisory Board on Veterans' Services based on her experience, knowledge, and commitment to promoting and supporting veteran issues.

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 (English, Fevella).

SCRep. 1804 Higher Education on Gov. Msg. Nos. 697 and 698

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. 697 DAVID KARL, for a term to expire 06-30-2025; and

G.M. No. 698 KEN HAYASHIDA, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by David Karl 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 reappointment of David Karl from the Research Corporation of the University of Hawaii.

Upon review of the testimony and his qualifications, your Committee finds that Dr. Karl's status as the Professor of Oceanography at the University's School of Ocean and Earth Science and Technology, a position he has held since 1987, qualifies him to be reappointed to the Board of Directors of the Research Corporation of the University of Hawaii, as a member who is a University research faculty member. Your Committee finds that Dr. Karl is a renowned researcher, whose work has won international respect and acclaim. Since being granted tenure at the University of Hawaii in 1982, Dr. Karl has been the principal investigator on more than eighty grants with more than \$100,000,000 in funding and is consistently listed as the University's top fifty principal investigators. Your Committee further finds that between seeking funding and managing research projects, Dr. Karl volunteers on various boards, including serving as Co-Director of the Center for Microbial Oceanography: Research and Education and Co-Director of Simons Collaboration on Ocean Processes and Ecology. Your Committee therefore recommends that Dr. Karl be reappointed to the Board of Directors of the Research Corporation of the University of Hawaii based on his institutional knowledge and perspective as a renowned researcher at the University of Hawaii, leadership skills, and thorough understanding of the role and responsibilities of a board member.

KEN HAYASHIDA

Your Committee received testimony in support of the nomination for the reappointment of Ken Hayashida from the Research Corporation of the University of Hawaii and two individuals.

Upon review of the testimony and his qualifications, your Committee finds that Mr. Hayashida's status as the President and Principal Structural Engineer at KAI Hawaii, Inc., a structural engineering firm that he founded in 1995, qualifies him to be reappointed to the Board of Directors of the Research Corporation of the University of Hawaii as a member representing the business sector. Mr. Hayashida is a civil engineer with a Master of Science degree in civil engineering from Stanford University. He has thirty-five years of experience in designing highways, bridges, various facilities, and renewable energy projects, including the High Technology Development Corporation Office Facility, Waianae Coast Comprehensive Health Center, and University of Hawaii at Manoa's Hawaii Hall Renovation. Under Mr. Hayashida's direction, KAI Hawaii, Inc., which was a one-person business, has become a leading structural engineering firm with more than forty full-time employees, and was awarded NAIOP Hawaii's Engineering Firm of the Year in 2019. Your Committee further notes Mr. Hayashida's commitment to community service, evidenced by his service on various boards and committees, including his current service as a board member for the Engineering Alumni Association of the University of Hawaii. Your Committee believes that Mr. Hayashida's business acumen, extensive experience and knowledge in civil and structural engineering, and commitment to community service will continue to be valuable assets to the Board of Directors of the Research Corporation of the University of Hawaii, and therefore recommends his reappointment.

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, 4. Noes, none. Excused, 1 (Wakai).

SCRep. 1805 Higher Education on Gov. Msg. Nos. 716, 717, 718, 719, 720, 721, 776, and 777

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE

- G.M. No. 716 ANNE MARIE MATSUZAKI, for a term to expire 06-30-2024. (Term amended to 6-30-2023 by GM822);
- G.M. No. 717 ELWYN WATKINS, for a term to expire 06-30-2021;
- G.M. No. 718 ELWYN WATKINS, for a term to expire 06-30-2025. (Term amended to 6-30-2024 by GM818);
- G.M. No. 719 GORDON KAI, for a term to expire 06-30-2024. (Term amended to 6-30-2023 by GM820);
- G.M. No. 720 JOY KONO, for a term to expire 06-30-2024. (Term amended to 6-30-2023 by GM819);
- G.M. No. 721 GAIL MAKUAKANE-LUNDIN, for a term to expire 06-30-2024. (Term amended to 6-30-2023 by GM821);
- G.M. No. 776 ALAN CLINTON, for a term to expire 06-30-2021; and

G.M. No. 777 ALAN CLINTON, for a term to expire 06-30-2025. (Term amended to 6-30-2024 by GM817)

Your Committee reviewed the personal histories, resumes, and statements submitted by Anne Marie Matsuzaki, Elwyn Watkins, Gordon Kai, Joy Kono, Gail Makuakane-Lundin, and Alan Clinton for service on Hawaii Commission for National and Community Service.

ANNE MARIE MATSUZAKI

Your Committee did not receive any testimony on the nomination for the appointment of Anne Marie Matsuzaki.

Upon review of Ms. Matsuzaki's qualifications, your Committee finds that Ms. Matsuzaki's current status as an Education Program Specialist at Kamehameha Schools engaged in two community-based programs - the 'Āina Ulu Community Partnership program and the Nā Mamo Mahi'ai Initiative program, qualify her to be appointed to the Hawaii Commission for National and Community Service as a member representing community-based agencies or community-based organizations within the State. Ms. Matsuzaki has a Master of Education degree in Teaching and has served in the education sector for twenty-seven years, including eight years as an educator with the Department of Education. Her professional expertise is in developing and managing education programs and developing culturally grounded professional networks in various sectors in the State. For the 'Āina Ulu Community Partnership program, Ms. Matsuzaki developed and currently manages a portfolio of \$3,000,000 in formal land and program agreements between Native Hawaiian and Hawaiian-serving non-profit organizations and the University of Hawaii, to deliver eco-cultural education and currently manages an annual portfolio of approximately \$500,000 in agricultural education and new farmer training. Your Committee believes Ms. Matsuzaki's ability to develop working relationships with various individuals and organizations statewide, and her professional expertise and knowledge of developing and managing various education programs will be a valuable asset to the Hawaii Commission for National and Community Service, and therefore, recommends her appointment.

ELWYN WATKINS

Your Committee received testimony in support of the nomination for the appointment and reappointment of Elwyn Watkins from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO (HGEA), and six individuals.

Upon review of the testimony and his qualifications, your Committee finds that Mr. Watkins' over two decades of membership in the HGEA, fifteen years of experience as a bargaining unit representative, and service on the bargaining unit's executive board for two terms qualify him to be appointed to the Hawaii Commission for National and Community Service as a member representing local labor organizations in the State. Your Committee finds that Mr. Watkins has been an employee of the University of Hawaii since 2000 and is currently the Building and Security Systems Engineer at the Facilities Management Office of the University of Hawaii John A. Burns School of Medicine. He has been a HGEA representative for Bargaining Unit 08 (BU08), consisting of non-faculty personnel of the University of Hawaii and the community college system since 2006, and served in various leadership roles, including Director of the BU08 Executive Board from 2015 to 2019, Chairperson of the Committees on Recreation and Community Action, and Chair of the Manoa Agency Council. Your Committee recommends that Mr. Watkins be appointed and reappointed to the Hawaii Commission for National and Community Service based on his extensive experience as an employee of the University of Hawaii, experience and knowledge as a member and board member of BU08, and his proven leadership skills.

GORDON KAI

Your Committee did not receive any testimony on the nomination for the appointment of Gordon Kai.

Upon review of his qualifications, your Committee finds that Mr. Kai's professional expertise and knowledge in Hawaii's visitor's industry, Native Hawaiian culture and art, and arts education qualify him to be appointed to the Hawaii Commission for National and Community Service. Mr. Kai is a master of Native Hawaiian arts, who creates objects used daily by his community in fishing, farming, making kapa, pounding poi, and practicing hula and martial arts. Mr. Kai has been the recipient of various awards, and his work is featured in the collections of Kamehameha Schools and the Bishop Museum in Hawaii, the Peabody-Essex Museum in Massachusetts, and the Captain Cook Museum in England. Your Committee further finds that Mr. Kai has been sharing his knowledge and experiences with people for over forty years through workshops, lectures, exhibitions and artist demonstrations at various schools, hotels, and organizations. After working in the visitor industry for four decades, Mr. Kai is now retired; however, he continues to serve his community as President of the Aha Kane, a nonprofit organization created to strengthen the Native Hawaiian community. Your Committee recommends that Mr. Kai be appointed to the Hawaii Commission for National and Community Service based on his expertise and knowledge in Hawaii's visitor's industry, Native Hawaiian culture and art, and arts education.

<u>JOY KONO</u>

Your Committee received testimony in support of the nomination for the appointment of Joy Kono from the Hawai'i Farm Bureau and one individual.

Upon review of the testimony and her qualifications, your Committee finds that Ms. Kono's professional expertise and knowledge in managing a large number of staff, working collaboratively with others to address challenges, and restructuring of organizations to increase efficiencies qualify her to be appointed to the Commission. Ms. Kono has a Master of Business Administration degree from Santa Clara University and has held various positions at Kamehameha Schools since 2002. She is currently the Senior Director of Education Support Services and Group Operations, managing sixty-one staff members to support the school's statewide education systems in admissions, financial aid, scholarships, and ancestry verification. Ms. Kono also acts as the point of contact for all education programs and manages a budget of \$65,000,000 for programs and operations. Ms. Kono's key achievements include restructuring her department's operations to increase efficiencies, which resulted in significant staff reduction. Your Committee also motes Ms. Kono's ability to work on a wide variety of policy issues concerning the needs, challenges, and opportunities faced by farmers across the State, based on her experience as the Vice President and Treasurer of the Hawai'i Farm Bureau, Chair and Board member of the Hawaii Agricultural Leadership Program, and Co-Chair of the Hawaii State Farm Fair. Your Committee believes Ms. Kono's experience and knowledge in organizational management, collaborative problem solving, restructuring of operations to

increase efficiencies, and background in working with various agricultural organizations will be valuable assets to the Hawaii Commission for National and Community Service, and therefore, recommends her appointment.

GAIL MAKUAKANE-LUNDIN

Your Committee did not receive any testimony on the nomination for the appointment of Gail Makuakane-Lundin.

Upon review of her qualifications, your Committee finds that Ms. Makuakane-Lundin's expertise and knowledge in developing Native Hawaiian-related higher education programs and garnering and managing federal grants therefor qualify her to be appointed to the Hawaii Commission for National and Community Service. Ms. Makuakane-Lundin has held various positions at the University of Hawaii at Hilo (UH Hilo) since 1984 and is currently the Principal Investigator and Program Director of its Title III Native Hawaiian-Serving Institution Grants and the Director of Kipuka Native Hawaiian Student Center. Aside from her employment with UH Hilo, Ms. Makuakane-Lundin also served as Petty Officer Second Class, Yeoman with the United States Coast Guard from 1982 to 2000. Ms. Makuakane-Lundin has an extensive background in developing Native Hawaiian-serving programs for UH Hilo and garnering and managing millions of dollars in grants from the U.S. Department of Education therefor, including the 2020-2025 Title III Native Hawaiian-Serving Institutions Five-Year Development Grant (\$2.2 million); 2019-2024 Title III Native Hawaiian Serving Institutions Five-Year Cooperative Grant (\$2.2 million); and 2015-2021 Title III Native Hawaiian Serving Institutions Five-Year Cooperative Grant (\$3.9 million). Ms. Makuakane-Lundin has received various awards acknowledging her contributions, including the 2016 UH Hilo Pūlama 'Ike Award and 2013 Native Hawaiian Education Association Educator of the Year Award. Your Committee also notes Ms. Makuakane-Lundin's strong commitment to community service, as evidenced by her current membership in the Hale O Nā Ali'i Halau Kalākaua, Hawaii Public Health Association, Hilo Jaycees, and Hilo Hawaiian Civic Club. Your Committee recommends appointment of Ms. Makuakane-Lundin to the Hawaii Commission for National and Community Service based on her expertise and knowledge in developing Native Hawaiian-related higher education programs, garnering and managing federal grants, and commitment to community service.

ALAN CLINTON

Your Committee received testimony in support of the nomination for the appointment and reappointment of Alan Clinton from the Office of the Mayor of the County of Kauai; County of Kauai Department of Planning; County of Kauai Police Department Patrol Service Bureau; Kauai Habitat for Humanity, Inc.; and eleven individuals.

Upon review of the testimony and his qualifications, your Committee finds that Mr. Clinton's current status as the Disaster Assistance Recovery, Mitigation, and GIS Officer of the County of Kauai Emergency Management Agency (KEMA) and his previous positions at municipal government qualify him to be appointed to the Hawaii Commission for National and Community Service, as a member representing county governments. Mr. Clinton has a Master of Science degree in Geography and Bachelor of Science degree in Natural Resources & Environmental Science. From 2017 to 2018, Mr. Clinton was a Development Plan Project Assistant with the County of Kauai Planning Department Long Range Division working on updating Kauai's General Plan, which sets forth the county's long-range land use policies. According to testimony, Mr. Clinton played an integral role in community engagement and dialog concerning the county's land use policies. Thereafter, Mr. Clinton left Hawaii to earn a Master of City and Regional Planning degree from Ohio State University, during which he continued to serve as a government employee as a Graduate Intern with the City of Columbus Department of Technology GIS Division. In January 2020, Mr. Clinton returned to Kauai and began work in his current position at the KEMA. Your Committee notes numerous testimonies attesting to Mr. Clinton's invaluable service during the coronavirus disease 2019 pandemic in multiple capacities, including his tireless efforts in developing applications and online forms as the county navigated through various travel and quarantine policies. Your Committee also notes Mr. Clinton's strong commitment to volunteer work as evidenced by his service with AmeriCorps National's Kauai Habitat for Humanity. Your Committee believes that Mr. Clinton's professional experience and knowledge in disaster recovery, mitigation, and technology; ability to collaborate with others under stress; and strong commitment to public serve will be valuable assets to the Hawaii Commission for National and Community Service, and therefore, recommends his appointment and reappointment.

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, 4. Noes, none. Excused, 1 (Wakai).

SCRep. 1806 Higher Education on Gov. Msg. Nos. 785, 786, and 787

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF REGENTS OF THE UNIVERSITY OF HAWAI'I

G.M. No. 785 WILLIAM HANING III, for a term to expire 06-30-2026;

G.M. No. 786 DIANE PALOMA, for a term to expire 06-30-2026; and

G.M. No. 787 WAYNE HIGAKI, for a term to expire 06-30-2026

Your Committee has reviewed the resumes submitted by William Haning III, Diane Paloma, and Wayne Higaki for service on the Board of Regents of the University of Hawai'i (Board of Regents).

WILLIAM HANING III

Your Committee Received testimony in support of the nomination for the appointment of William Haning III from eighteen individuals.

Upon review of the testimony and his qualifications, your Committee finds that Dr. Haning's professional experience and knowledge as a retired tenured Professor of Psychiatry at the University of Hawaii John A. Burns School of Medicine (JABSOM), commitment to medical education in Hawaii, and residency in the City and County of Honolulu qualify him to be appointed to the Board of Regents as a member representing the City and County of Honolulu. Dr. Haning obtained his medical license in Hawaii in 1977 and is certified in Addiction Medicine, Addiction Psychiatry, and General Psychiatry. Dr. Haning began teaching at JABSOM in 1989, was granted tenure as Professor in Psychiatry in 2009, and retired from professorship in 2017. He currently serves as a staff physician at The Queen's Medical Center and as Program Director for the Addiction Psychiatry Residency Program and Addiction Medicine Fellowship Program at Hawaii'i Residency Programs, Inc., a nonprofit corporation sponsored by JABSOM. Dr. Haning has also been serving in various branches of the armed forces and is currently an affiliate faculty and staff at Tripler Army Medical Center's Department of Psychiatry and the Professional Services Liaison officer for Hawaii with the United States Navy. Your Committee therefore recommends the appointment of Dr. Haning to the Board of Regents based on his extensive knowledge and expertise as a practicing psychiatrist, his experience as a tenured professor at JABSOM, and his commitment and dedication to medical education in Hawaii.

DIANE PALOMA

Your Committee Received testimony in support of the nomination for the appointment of Diane Paloma from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawai'i Lodging & Tourism Association; Ke One O Kākuhihewa; Office of Hawaiian Affairs; University of Hawaii Professional Assembly; one member of Hawaii's Congressional delegation; one member of the House of Representatives; and twenty-seven individuals.

Upon review of the testimony and her qualifications, your Committee finds that Dr. Paloma's professional experience and knowledge in Hawaii's health care sector, management skills, and residency in the City and County of Honolulu qualify her to be appointed to the Board of Regents as a member representing the City and County of Honolulu. Dr. Paloma is a graduate of Kamehameha Schools, and received her Doctor in Philosophy degree with specialization in Health Care Administration from Capella University School of Public Service Leadership and a Master of Business Administration degree with an emphasis in Management from the University of Hawaii College of Business Administration. As the first Chief Executive Officer of King Lunalilo Trust and Lunalilo Home, Dr. Paloma has been overseeing investments, home operations, residential and respite care, adult day care, and mealsto-go programs for Hawaii's senior citizens since 2017. Prior to her current position, Dr. Paloma held various positions in the health care sector, including as the Director of The Queen's Health Systems Native Hawaiian Health Program that she established. Your Committee notes that Dr. Paloma is also familiar with the University of Hawaii System through her previous service as the Director of Management Affairs at JABSOM's Department of Native Hawaiian Health and volunteer work as a member of the Kapiolani Community College Chancellor Search Advisory Committee and adjunct faculty at the University of Hawaii at Manoa Myron P. Thompson School of Social Work and Social Welfare. Your Committee further notes Dr. Paloma's commitment to her community, as evidenced by her service on various boards, such as the University of Hawaii Foundation and Asian & Pacific Islander American Health Forum Board of Directors. Your Committee believes Dr. Paloma's commitment to improve the health and well-being of the people of Hawaii, Hawaiian values cultivated at Kamehameha Schools, familiarity with the University of Hawaii System, and management skills will be valuable assets to the Board of Regents, and therefore, recommends her appointment.

WAYNE HIGAKI

Your Committee received testimony in support of the nomination for the reappointment of Wayne Higaki from five members of the Board of Regents of the University of Hawaii and nine individuals.

Upon review of the testimony and his qualifications, your Committee finds that Mr. Higaki's professional expertise in the administration and business development of a hospital; financial, personnel, and quality management skills; program development skills; and residency on the Island of Hawaii qualify him to be reappointed to the Board of Regents as a member representing the County of Hawaii. Your Committee finds that Mr. Higaki received his Associate of Science degree in Radiologic Technology from Kapiolani Community College. After serving with numerous hospitals in California for over a decade, Mr. Higaki returned to Hawaii in 1996, and began serving at The Queen's Health Systems North Hawaii Community Hospital. Mr. Higaki has served at the hospital in various positions, including as Director of Project and Business Development, Vice President of Public Affairs, and Chief Development Officer. He now serves as the Assistant Administrator of Fund Development and Support Services, a position he has held since 2016. Your Committee notes Mr. Higaki's commitment to community service as evidenced by his participation on the Mayor's Health Sustainability Task Force. Your Committee also notes that Mr. Higaki has been serving on the Board of Regents since 2015. Your Committee received numerous testimonies from existing members of the Board of Regents attesting to the value Mr. Higaki brings, including diversity and depth of experience based on his private sector background as a health care administrator, understanding of the complexities associated with the diverse nature of the University's three campuses and seven community colleges, and strategic thinking. In addition to the testimonies, the members' confidence in Mr. Higaki's leadership is evidenced by their selecting him as their Vice Chair in 2018 and 2019. Mr. Higaki has also served in other leadership positions, such as the Chair and Vice Chair of multiple committees. He currently serves as the Vice Chair of the Committee on Planning and Facilities that oversees the University of Hawaii's capital improvement projects, maintenance and repair, and risk management. Based on the foregoing, your Committee recommends that Mr. Higaki be reappointed to the Board of Regents of the University of Hawaii.

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. 1807 Human Services on Gov. Msg. Nos. 672, 674, and 677

Recommending that the Senate advise and consent to the nominations of the following:

STATE REHABILITATION COUNCIL

G.M. No. 672 TIRA KAMAKA, for a term to expire 06-30-2024;

G.M. No. 674 MERIAH NICHOLS, for a term to expire 06-30-2024; and

G.M. No. 677 JEFFREY HEDRICK, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Tira Kamaka, Meriah Nichols, and Jeffrey Hedrick for service on the State Rehabilitation Council (Council).

TIRA KAMAKA

Your Committee received testimony in support of the nomination of Tira Kamaka from the Department of Human Services, Division of Vocational Services and The Arc of Kona.

Upon review of the testimony and Ms. Kamaka's qualifications, your Committee finds that Ms. Kamaka is currently employed at Arc of Kona, where she has worked since 2016, serving as the Vice President of Program Services since 2019 and in that role, Ms. Kamaka oversees all programs and services provided by the agency and is responsible for the overall professional operations and delivery of Medicaid Waiver Home and Community Based service provision at all Arc of Kona locations island-wide. Ms. Kamaka identifies emerging opportunities and strategic leverage points and evaluates the efficiency and effectiveness of programs to provide ongoing feedback. Your Committee also finds that Ms. Kamaka leads efforts to research, identify, and develop grant and contract funding sources to support existing and potential programs in the field of disabilities.

Your Committee therefore finds that Ms. Kamaka's experience and knowledge of the issues addressed by the Council will be valuable assets and recommends Tira Kamaka for service to the State Rehabilitation Council.

MERIAH NICHOLS

Your Committee received testimony in support of the nomination of Meriah Nichols from the Department of Human Services, Division of Vocational Rehabilitation.

Upon review of the testimony and Ms. Nichols' qualifications, your Committee finds that Ms. Nichols is a career counselor with fifteen years of counseling experience focusing on students and clients with barriers to education and employment. Ms. Nichols is a professional post-secondary teacher and trainer, adept at working with adult students from diverse socioeconomic and multicultural backgrounds. Your Committee finds that Ms. Nichols is an effective writer and problem solver, as evidenced by the grants received from state and city governments to fund career development programs.

Further, your Committee finds that Ms. Nichols has provided career counseling for returning, non-traditional, and veteran students of the University of California at Berkeley with and without disabilities who faced barriers to continued education and employment. She has monitored and evaluated students' career related needs and readiness, and provided and coordinated appropriate interventions, resources, and recommendations. Your Committee also finds that Ms. Nichols was employed as an independent career development specialist with the California State Department of Rehabilitation, from 2010 to 2018. Prior to that she was a career counselor and program coordinator at the University of California at Berkeley, from 2003 to 2010.

Your Committee therefore finds that Ms. Nichols' experience and knowledge of the issues addressed by the Council will be valuable assets and recommends Meriah Nichols for service to the State Rehabilitation Council.

JEFFREY HEDRICK

Your Committee received testimony in support of the nomination of Jeffry Hedrick from the Department of Human Services, Division of Vocational Rehabilitation.

Upon review of the testimony and Mr. Hedrick's qualifications, your Committee finds that since 2018, Mr. Hedrick has served as the Executive Director at the Naval Supply Systems Command Fleet Logistics Center in Pearl Harbor, which provides the highest quality supply and support services to its customers. Mr. Hedrick is an expert in equal employment opportunity compliance and a member of the Command Resiliency Team, designed to meet federal goals for hiring persons with disabilities. Your Committee also finds that Mr. Hedrick is an advocate for hiring persons with disabilities and created the highly successful Vocational Rehabilitation Hiring Program so that Division of Vocational Rehabilitation participants can be hired into the federal government. Mr. Hedrick has worked hard to convince managers to hire persons with disabilities, install automatic doors, and has learned vast amounts about accommodation technology.

Your Committee finds that Mr. Hedrick's leadership, experience, knowledge of the issues addressed by the Council, and expertise and dedication to employing persons with disabilities will be an asset and therefore recommends Jeffrey Hedrick for service to the State Rehabilitation Council.

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

SCRep. 1808 Human Services on Gov. Msg. Nos. 810, 811, and 812

Recommending that the Senate advise and consent to the nominations of the following:

COMMISSION ON FATHERHOOD

G.M. No. 810 DANIEL KITTREDGE, for a term to expire 06-30-2025;

G.M. No. 811 ALLEN CARDINES, JR., for a term to expire 06-30-2025; and

G.M. No. 812 JEFF ESMOND, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Daniel Kittredge, Allen Cardines, Jr., and Jeff Esmond for service on the Hawaii State Commission on Fatherhood (Commission).

DANIEL KITTREDGE

Your Committee received no testimony for this nomination.

Upon review of Mr. Kittredge's qualifications, your Committee finds that Mr. Kittredge is a father of three children ranging in ages from five to eighteen, and currently the water plants superintendent in the operations division of the Kauai County Department of Water, where he has worked for more than eight years. Mr. Kittredge previously worked at Earthworks Pacific, Inc., also in Lihue. Mr. Kittredge served as Kauai County Commissioner for the Hawaii State Commission on Fatherhood, from July 2015 through June 2020. He has also served on the Kauai Fatherhood Council and as a coach and referee for youth soccer in Waimea.

Your Committee finds that Mr. Kittredge's experience and knowledge of the issues addressed by the Commission will be valuable assets and therefore recommends Daniel Kittredge for service to the Commission on Fatherhood.

ALLEN CARDINES, JR.

Your Committee received testimony in support of this nomination from one member of the Senate; one member of the House of Representatives; P.A.R.E.N.T.S., Inc.; and one individual.

Upon review of the testimony and Mr. Cardines' qualifications, your Committee finds that Mr. Cardines grew up in Nanakuli, where he has served as senior pastor of a church for the past seventeen years. Mr. Cardines currently serves on the Commission on Fatherhood, where his efforts have impressed many and where he has built an extensive collaborative network of various church, community, public, and private entities in supporting his many worthy endeavors building healthy relationship inside and outside the family unit. He continues to work with other community leaders to create a safe community of healthy relationships within families so children should not live in fear in their own home.

Your Committee finds that Mr. Cardines and his colleagues work with police and other community leaders to strengthen families, empower and grow vibrant communities, limit bullying and suicides in schools, implement evidence-based restorative justice practices, and create excitement around parenting classes. Your Committee also finds that the nominee wants to serve on this Commission to partner with other men and organizations to promote safe and healthy relationships, families, and communities by emphasizing the important role fathers play in making this a reality in the lives of their children.

Accordingly, your Committee finds that Mr. Cardines' experience and knowledge of the issues addressed by the Commission will be valuable assets and recommends Allen Cardines. Jr. for service to the Commission on Fatherhood.

JEFF ESMOND

Your Committee received testimony in support of this nomination from Kāne'ohe Elementary School and two individuals.

Upon review of the testimony and Mr. Esmond's qualifications, your Committee finds that Mr. Esmond is the owner and president of Hawaii 5500 LLC, a financial and welfare plan services company since 2017. Your Committee also finds that Mr. Esmond works in a dynamic and demanding field that requires critical thinking and problem solving to work within the limits of government compliance, financial demands of the client, and provisions of the plan document. Mr. Esmond's work requires strong attention to detail and high sensitivity to confidential data. Prior to his current position, Mr. Esmond consulted on financial and retirement services for three companies.

Your Committee finds that Mr. Esmond is involved in several ongoing community activities, most centered around providing guidance in his community for parents, teachers, and fathers. Over the past six years, he helped with, led, and/or coordinated initiatives such as Eating a Rainbow, where families learned to prepare and eat simple, healthy meals; Halloween Treat Donation Drive, where students were encouraged to limit the amount of Halloween candy they consume by donating their uneaten, excess candy to partners at Marine Corp Base Hawai'i; and Blue Zones, where Kāne'ohe Elementary School revised its wellness policies to become a Blue Zones school.

Your Committee finds that Mr. Esmond's experience and knowledge of the issues addressed by the Commission will be valuable assets and therefore recommends Jeff Esmond for service to the Commission on Fatherhood.

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

SCRep. 1809 Education on Gov. Msg. Nos. 788, 789, 790, and 791

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII TEACHER STANDARDS BOARD

G.M. No. 788 DAVELYN HAN, for a term to expire 06-30-2025;

G.M. No. 789 GLEN MIYASATO, for a term to expire 06-30-2022;

G.M. No. 790 KATINA SOARES, for a term to expire 06-30-2022; and

G.M. No. 791 JONATHAN GILLENTINE, for a term to expire 06-30-2023

Your Committee has reviewed the personal histories, resumes, and statements submitted by Davelyn Han, Glen Miyasato, Katina Soares, and Jonathan Gillentine for service on the Hawaii Teacher Standards Board (HTSB).

DAVELYN HAN

Your Committee received testimony in support of the nomination for the appointment of Davelyn Han from the HTSB and five individuals.

Upon review of the testimony, your Committee finds that Ms. Han's background in education qualify her for appointment to the HTSB. Ms. Han received her Bachelor's degree in elementary education and Master's degree in educational technology from the University of Hawaii at Manoa. Additionally, Ms. Han has a background in Hawaiian language and currently works as a teacher in a Hawaiian language immersion program at a public conversion charter school. Your Committee notes that Ms. Han currently serves the HTSB as its Legislative Committee Chairperson. Her perspectives on charter schools, neighbor island classroom teaching, and Hawaiian language immersion have been a valuable resource for the HTSB and your Committee therefore recommends Davelyn Han for appointment to the HTSB.

GLEN MIYASATO

Your Committee received testimony in support of the nomination for the appointment of Glen Miyasato from the HTSB and two individuals

Upon review of the testimony, your Committee finds that Mr. Miyasato's background in teaching and education administration qualify him for appointment to the HTSB. Mr. Miyasato received his Bachelor's degree in education and Master's degree in education from the University of Hawaii at Manoa. Mr. Miyasato has a wealth of experience as a teacher, having taught at the middle school and high school levels for nearly twenty-five years. Additionally, Mr. Miyasato has a background in administration with nearly a decade's worth of experience as a Principal. His experience in teaching and administration will be very beneficial to the HTSB. Therefore, your Committee recommends Glen Miyasato for appointment to the HTSB.

KATINA SOARES

Your Committee received testimony in support of the nomination for the appointment of Katina Soares from the HTSB, Department of Education, and twelve individuals.

Upon review of the testimony, your Committee finds that Dr. Soares' background in education and counseling qualify her for appointment to the HTSB. Dr. Soares received her Bachelor's degree in psychology from Judson College, Master's degree in education school counseling from Liberty University, and Doctor of Philosophy degree from Walden University. Dr. Soares has spent more than a decade working in education administration as a principal or vice principal on the islands of Molokai and Maui. Additionally, she has more than seven years of experience working as a school counselor, including serving as the counseling department chair at Molokai High School. Dr. Soares' experience in administration, counseling, and on neighbor island schools will be a valuable addition to the HTSB. Therefore, your Committee recommends Katina Soares for appointment to the HTSB.

JONATHAN GILLENTINE

Your Committee received testimony in support of the nomination for the appointment of Jonathan Gillentine from the HTSB and nine individuals.

Upon review of the testimony, your Committee finds that Mr. Gillentine's background in education qualifies him for appointment to the HTSB. Dr. Gillentine received his Bachelor's degree, Master's degree in education, and Doctor of Philosophy in education from the University of Hawaii at Manoa. He has nearly forty years of teaching experience, including teaching at the elementary school, high school, community college, and university levels. Additionally, Dr. Gillentine was inducted into the National Teachers Hall of Fame in 2017. Your Committee also notes that Dr. Gillentine previously served on the HTSB, including serving for four years as the HTSB Chair. His proven track record of excellence in teaching as well as his previous service on the HTSB qualify him for appointment and your Committee therefore recommends Jonathan Gillentine for appointment to the HTSB.

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, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 1810 Education on Gov. Msg. No. 794

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF EDUCATION

G.M. No. 794 WILLIAM ARAKAKI, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by William Arakaki for service on the Board of Education.

Your Committee received testimony in support of the nomination for the appointment of William Arakaki from one member of the House of Representatives, Kaua'i County Office of the Mayor, three members of the Kaua'i County Council, HawaiiKidsCAN, Grove Farm, and twenty-three individuals. Your Committee received testimony in opposition to the nomination for the appointment of William Arakaki from three individuals.

Upon review of the testimony, your Committee finds that Mr. Arakaki's experience, background, and commitment to public service qualifies him for appointment to the Board of Education. Your Committee further finds that Mr. Arakaki has over forty years of experience in various positions either teaching, coaching, or as an administrator for the Department of Education. Mr. Arakaki later became the Kauai Complex Area Superintendent and held that position for thirteen years. Your Committee notes that Mr. Arakaki, although retired, has continued to remain committed to lending his expertise in education for the betterment of youth and giving back to the community. Your Committee further notes that Mr. Arakaki's institutional knowledge, collaborative skills, and willingness to serve others will be assets to the Board of Education. Your Committee therefore recommends that Mr. Arakaki be appointed to the Board of Education based on his extensive work experience, compassion, and dedication to education.

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; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Dela Cruz).

SCRep. 1811 Education on Gov. Msg. Nos. 626, 627, 628, and 629

Recommending that the Senate advise and consent to the nominations of the following:

EARLY LEARNING BOARD

G.M. No. 626 LEILANI AU, for a term to expire 06-30-2022;

G.M. No. 627 MELODIE VEGA, for a term to expire 06-30-2023;

G.M. No. 628 JUSTINA ACEVEDO-CROSS, for a term to expire 06-30-2022; and

G.M. No. 629 CHERILYN SHIINOKI, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Leilani Au, Melodie Vega, Justina Acevedo-Cross, and Cherilyn Shiinoki for service on the Early Learning Board.

LEILANI AU

Your Committee received testimony in support of the nomination for the appointment of Leilani Au from the Executive Office on Early Learning and one member of the Early Learning Board.

Upon review of the testimony, your Committee finds that Ms. Au's background, experience, and dedication to early childhood education qualify her for appointment to the Early Learning Board. Your Committee finds that Ms. Au is presently the Director of the University of Hawaii at Manoa's Children Center, where she balances the ongoing needs of high quality education between two to five years of age, affordable child care, and providing professional development of the early learning workforce. Ms. Au has dedicated thirty-five years to the field of early learning as an Early Childhood Specialist, Early Childhood Department Lecturer, and Professional and Career Education for Early Childhood (PACE) Trainer. Additionally, Ms. Au's professional background as an Early Childhood Department Lecturer and Professional and Career Education for Early Childhood Trainer at Honolulu Community College allows her to understand the unique and varied needs of center-based childcare providers.

As a current member of the Early Learning Board, Ms. Au represents a critical voice in decision-making in providing updates about the status of private childcare providers during the coronavirus 2019 (COVID-19) pandemic. Therefore, your Committee finds that Leilani Au has the experience, knowledge, and desire to contribute to the community and will continue to be an asset to the Early Learning Board.

MELODIE VEGA

Your Committee received testimony in support of the nomination for the appointment of Melodie Vega from the Executive Office on Early Learning, one member of the Early Learning Board, and one individual.

Upon review of the testimony, your Committee finds that Ms. Vega's background, experience, and dedication to early childhood education qualify her for appointment to the Early Learning Board. Your Committee finds that Ms. Vega is currently the Director of Early Childhood Education Programs for the Family Child Interaction Learning (FCIL) program of Keiki O Ka 'Āina, a non-profit organization dedicated to educating children, strengthening families, enhancing communities, perpetuating Native Hawaiian culture, and is a key member in the 'Eleu network, a statewide group of FCIL providers. Ms. Vega has been a key planner in the FCIL's online learning program developed in response to the COVID-19 pandemic. Ms. Vega has dedicated thirty-three years to the field of early learning as a Program Manager for the School Readiness Program for the Executive Office on Early Learning, Project Manager for Hawaii Careers with Young Children Workforce and Professional Development Systems Building, and an educational and management consultant

As a current interim member of the Early Learning Board, Ms. Vega is a part of the Workforce Equity Subcommittee, where she shares her insights about the FCIL programs, relationship to community values, and the importance of family-child relationships and emphasizes the needs and expectations of the workforce in early childhood settings in Hawaii relating, guiding the subcommittee's study plans. Therefore, your Committee finds that Melodie Vega has the experience, knowledge, and desire to contribute to the community and will continue to be an asset to the Early Learning Board.

JUSTINA ACEVEDO-CROSS

Your Committee received testimony in support of the nomination for the reappointment of Justina Acevedo-Cross from the Executive Office on Early Learning and one member of the Early Learning Board.

Upon review of the testimony, your Committee finds that Ms. Acevedo-Cross' background, experience, and dedication to early childhood education qualify her for reappointment to the Early Learning Board. Your Committee finds that Ms. Acevedo-Cross is presently the Program Director for the Hawaii Community Foundation, leading the Promising Minds initiative to strengthen healthy development of all children from birth to age five, where she focuses on early learning, education, community development, economic security, and workforce development issues. She has previously served as Program Officer for The David and Lucile Packard Foundation and Communications Manager, Interim Policy Manager, and Consultant at the Women's Initiative for Self Employment. She hopes to catalyze policy development around the whole child so that early learning activities include foundational components that affect a child's ability to learn about health and feeling safe.

As a current member of the Early Learning Board, Ms. Acevedo-Cross serves on the Finance Subcommittee and the Executive Office on Early Learning Director Search Subcommittee, where she is engaged in the study of early educator qualifications, pay equity, and strategies to build early learning workforce capacity. Your Committee therefore finds that Justina Acevedo-Cross's understanding of child development, as well as her willingness to serve, will be great assets to the Early Learning Board.

CHERILYN SHIINOKI

Your Committee received testimony in support of the nomination for the appointment of Cherilyn Shiinoki from the Executive Office on Early Learning, one member of the Early Learning Board, and one individual.

Upon review of the testimony, your Committee finds that Ms. Shiinoki's background, experience, and dedication to early childhood education qualify her for appointment to the Early Learning Board. Your Committee finds that Ms. Shiinoki is presently the Executive Director for Family Hui Hawaii, which offers a peer-to-peer parenting support program, and has previous professional and volunteer experience as a volunteer intern for the State of Hawaii Governor's Executive Office on Early Learning; education specialist, substitute teacher, and administrative support at the University of Hawaii at Manoa Children's Center; and Children's Ministry Director for New Hope Diamond Head. In her personal statement, Ms. Shiinoki indicated that she hopes that her seventeen years of early childhood education as a parent informs the voices of families are represented on the Early Learning Board to design a sustainable early learning system in which children are healthy, valued, and successful in school and life.

As a current member of the Early Learning Board, Ms. Shiinoki possesses a firm understanding of the Early Learning Board's objectives, strategies, and focuses an understanding of child development and advocates for expanding the Executive Office of Early Learning's system building role to service more infants and toddlers. Therefore, your Committee finds that Cherilyn Shiinoki has the experience, knowledge, and desire to contribute to the community and will continue to be an asset to the Early Learning Board.

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, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 1812 Commerce and Consumer Protection on Gov. Msg. Nos. 761 and 762

Recommending that the Senate advise and consent to the nominations of the following:

REAL ESTATE COMMISSION

G.M. No. 761 AUDREY ABE, for a term to expire 06-30-2025; and

G.M. No. 762 JENNIFER ANDREWS, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Audrey Abe and Jennifer Andrews for service on the Real Estate Commission.

AUDREY ABE

Your Committee received testimony in support of the nomination for the appointment of Audrey Abe from the Department of Commerce and Consumer Affairs and three individuals.

Upon review of the testimony, your Committee finds that Ms. Abe's experience, background, and commitment to public service qualify her for appointment to the Real Estate Commission as a licensee member. Your Committee notes that Ms. Abe has been a licensed real estate broker in Hawaii since 2020 and has owned Abe Consulting Group, LLC since 1992, which provides consulting services for real estate acquisitions. Ms. Abe is also a licensed certified public accountant and certified general appraiser. Ms. Abe has performed real estate appraisals for nearly thirty years, assisting clients such as the Department of Land and Natural Resources, the federal government, and major lending institutions. Your Committee further notes that Ms. Abe has served on a number of professional and community organizations, including the Aloha Stadium Authority, Hawaii Housing Finance and Development Corporation, and Hawaii State Board of Taxation Review, and has a thorough understanding of the roles and responsibilities of board members. Your Committee finds that Ms. Abe's diverse professional experience will offer a unique perspective to the Real Estate Commission. Your Committee therefore recommends that Ms. Abe be appointed to the Real Estate Commission based on her knowledge, experience, and commitment to public service.

JENNIFER ANDREWS

Your Committee received testimony in support of the nomination for the appointment of Jennifer Andrews from the Department of Commerce and Consumer Affairs; Hawai'i Association of REALTORS; Honolulu Board of REALTORS; SanHi Government Strategies; The Gentry Companies Locations, LLC; and First Hawaii Title Corporation.

Upon review of the testimony, your Committee finds that Ms. Andrews' background, knowledge, and dedication to serving the public qualify her to be appointed to the Real Estate Commission as a licensee member. Your Committee notes that Ms. Andrews has been licensed as a real estate broker since 2005 and is currently a principal at Keller Williams Honolulu, where she directly supervises brokers, conducts training, and assists agents with contract review and negotiations. Prior to that, Ms. Andrews was a project sales agent for Gentry Homes, Ltd. and served in managerial positions at Coldwell Banker Pacific Properties. Your Committee finds that Ms. Andrews has served as a member on a number of professional organizations, including the National Association of Realtors, City and County of Honolulu Real Property Tax Appeal Review Board, and Building Industry Association of Hawaii. Ms. Andrews has a thorough understanding of the role and responsibilities of board members and her extensive experience in real estate will continue to enhance the effectiveness of the Real Estate Commission. Your Committee therefore recommends that Ms. Andrews be appointed to the Real Estate 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 Commerce and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1813 Commerce and Consumer Protection on Gov. Msg. Nos. 773, 774, and 775

Recommending that the Senate advise and consent to the nominations of the following:

CONTRACTORS LICENSE BOARD

G.M. No. 773 JERRY NISHEK, for a term to expire 06-30-2025;

G.M. No. 774 JOSEPH O'DONNELL, for a term to expire 06-30-2025; and

G.M. No. 775 CLYDE HAYASHI, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Jerry Nishek, Joseph O'Donnell, and Clyde Hayashi for service on the Contractors License Board.

JERRY NISHEK

Your Committee received testimony in support of the nomination for the appointment of Jerry Nishek from the Department of Commerce and Consumer Affairs; Contractors Association of Kaua'i; Pacific Blue Construction, LLC; and one individual.

Upon review of the testimony, your Committee finds that Mr. Nishek's background and dedication to serving the public qualify him to be appointed to the Contractors License Board as a licensed general contractor member from Kauai. Your Committee notes that Mr. Nishek has been a licensed landscape contractor in Hawaii for forty years and a licensed general contractor for twenty-five years. Mr. Nishek has worked with Kauai Nursery & Landscaping, Inc. since 1979 where he currently serves as the general manager and corporate treasurer. Mr. Nishek is also knowledgeable in general building and general engineering and has considerable experience with both small and large contracting projects that require coordination with multiple trade contractors. Your Committee further notes that Mr. Nishek has served as a member of numerous professional and community organizations and has a thorough understanding of the role and responsibilities of board members. Mr. Nishek's extensive experience in contracting will continue to enhance the effectiveness of the Contractors License Board. Your Committee therefore recommends that Mr. Nishek be appointed 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 and Torkildson, Katz, Hetherington, Harris & Knorek, Attorneys at Law.

Upon review of the testimony, your Committee finds that Mr. O'Donnell's experience, knowledge, and proven leadership on the Contractors License Board qualify him for reappointment to the Board as a public member. Your Committee notes that Mr. O'Donnell has been employed by the Ironworkers Union Local 625 for over thirty years and is currently the financial secretary, treasurer, and business manager. Mr. O'Donnell also serves as the Trustee of the Hawaii Ironworkers Structural Pension Plan and the Hawaii Ironworkers Administration Office. Your Committee further notes that Mr. O'Donnell has an extensive history of public service and currently serves as Chair of the City and County of Honolulu Liquor Commission and as a member of the Hawaii Occupational Safety and Health Advisory Committee. Your Committee finds that Mr. O'Donnell has served on the Contractors License Board since 2019 and his experience and knowledge will continue to be assets to the Board. Your Committee therefore recommends that Mr. O'Donnell be reappointed to the Contractors License Board based on his experience, knowledge, and commitment to public service.

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, and International Longshore & Warehouse Union Local 142.

Upon review of the testimony, your Committee finds that Mr. Hayashi's experience, knowledge, and proven leadership on the Contractors License Board qualify him for reappointment to the Board as a public member. Your Committee notes that Mr. Hayashi has over thirty years of experience in labor unions and government relations and is currently employed by the Hawaii Ironworkers'

Stabilization Fund in government affairs. Previously, Mr. Hayashi served as the State Community Services Liaison for the American Federation of Labor & Congress of Industrial Organizations/Aloha United Way Partnership for ten years. Mr. Hayashi also worked for ten years as a boilermaker apprentice and a boilermaker mechanic in Pearl Harbor Naval Shipyard. Your Committee further finds that Mr. Hayashi has served on the Contractors License Board since 2019 and his unique experience with shipyard trades, the construction industry, health and human services community, labor unions, and government relations will continue to be assets to the Board. Your Committee therefore recommends that Mr. Hayashi be reappointed to the Contractors License 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 Commerce and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1814 Commerce and Consumer Protection on Gov. Msg. Nos. 781 and 782

Recommending that the Senate advise and consent to the nominations of the following:

ELEVATOR MECHANICS LICENSING BOARD

G.M. No. 781 EVAN FONG, for a term to expire 06-30-2025; and

G.M. No. 782 ALLEN MARTIN, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Evan Fong and Allen Martin for service on the Elevator Mechanics Licensing Board.

EVAN FONG

Your Committee received testimony in support of the nomination for the reappointment of Evan Fong from the Elevators Mechanics Licensing Board and two individuals.

Upon review of the testimony, your Committee finds that Mr. Fong's experience, background, and commitment to public service qualify him for reappointment to the Elevator Mechanics Licensing Board as a licensed elevator mechanic member. Your Committee notes that Mr. Fong has over fifteen years of experience as an elevator mechanic and has been a licensed elevator mechanic in Hawaii since 2010. Mr. Fong is currently a Regional Director of the National Elevators Industry Education Program, which conducts education and training for elevator apprentices throughout the country. Your Committee further notes that Mr. Fong is an active member in the International Union of Elevator Constructors, Local 126, where he has held various positions and currently serves as Vice President. Your Committee further finds that Mr. Fong has served as a member of the Elevator Mechanics Licensing Board since 2019 and was recently elected to serve as Vice Chair. Mr. Fong has a thorough understanding of the roles and responsibilities of board members, and his knowledge and expertise will continue to be assets to the Elevator Mechanics Licensing Board. Your Committee therefore recommends that Mr. Fong be reappointed to the Elevator Mechanics Licensing Board based on his knowledge, experience, and commitment to public service.

ALLEN MARTIN

Your Committee received testimony in support of the nomination for the appointment of Allen Martin from the Department of Commerce and Consumer Affairs.

Upon review of the testimony, your Committee finds that Mr. Martin's background and desire to serve his community qualify him for appointment to the Elevator Mechanics Licensing Board as a public member not connected or associated with the elevator or building industry. Your Committee notes that Mr. Martin is a veteran of the United States Coast Guard and a retired business owner of over thirty years. Mr. Martin also previously worked in carpentry and automotive repair and has experience in advertising, customer sales, and support. Your Committee further notes that Mr. Martin's diverse background and interest in serving his community will provide an insightful perspective on the Elevator Mechanics Licensing Board. Your Committee further finds that Mr. Martin has a thorough understanding of the roles and responsibilities of board members and Mr. Martin's service will greatly enhance the effectiveness of the Elevator Mechanics Licensing Board. Your Committee therefore recommends that Mr. Martin be appointed to the Elevator Mechanics Licensing Board based on his background and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1815 Commerce and Consumer Protection on Gov. Msg. No. 729

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF DENTISTRY

G.M. No. 729 KATHERINE FUKUSHIMA, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Katherine Fukushima for service on the Board of Dentistry.

Your Committee received testimony in support of the nomination for the appointment of Katherine Fukushima from the Department of Commerce and Consumer Affairs, Hawaii Dental Service, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Fukushima's background and dedication to serving the public qualify her to be appointed to the Board of Dentistry as a licensed dental hygienist member. Your Committee notes that Ms. Fukushima has over thirty-two years of experience in different areas of the dental industry. Ms. Fukushima has been licensed as a registered dental hygienist in Hawaii since 1992 and is currently working as a registered dental hygienist at Kahala Smiles Professionals, LLC. Your Committee further notes that Ms. Fukushima has served in a number of roles in support of her professional community, including as a member of the Hawaii Dental Hygienists' Association, an examiner for state board examinations, and a liaison for the dental hygiene student externship program for the University of Hawaii at Manoa. Your Committee finds that Ms. Fukushima has a thorough understanding of the role and responsibilities of board members and her extensive experience in the dental field will continue to enhance the effectiveness of the Board of Dentistry. Your Committee therefore recommends that Ms. Fukushima be appointed to the Board of Dentistry based on her knowledge, background, and dedication to public.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1816 Commerce and Consumer Protection on Gov. Msg. No. 780

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF ELECTRICIANS AND PLUMBERS

G.M. No. 780 DAVID KAMAKEA III, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by David Kamakea III for service on the Board of Electricians and Plumbers.

Your Committee received testimony in support of the nomination for the appointment of David Kamakea III from the Department of Commerce and Consumer Affairs; Plumbers and Fitters UA, Local 675; HSI Mechanical, Inc.; and Bergeman Group.

Upon review of the testimony, your Committee finds that Mr. Kamakea's background and dedication to serving the public qualify him to be appointed to the Board of Electricians and Plumbers as a licensed plumber member. Your Committee notes that Mr. Kamakea has been licensed as a journeyman plumber since 1998 and a licensed contractor since 2018. Mr. Kamakea has nearly thirty years of experience in the plumbing and pipefitting industries and currently works as a plumbing and pipefitter superintendent for HSI Mechanical, Inc. Previously, Mr. Kamakea was a foreman for the power and industrial division of Hawaiian Dredging Construction Company, Inc. and served as an assistant training coordinator for the Plumbers and Fitters UA, Local 675. Your Committee finds that Mr. Kamakea has a thorough understanding of the role and responsibilities of board members and his extensive experience will enhance the effectiveness of the Board of Electricians and Plumbers. Your Committee therefore recommends that Mr. Kamakea be appointed to the Board of Electricians and Plumbers 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 and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1817 Commerce and Consumer Protection on Gov. Msg. No. 733

Recommending that the Senate advise and consent to the nomination of the following:

MOTOR VEHICLE INDUSTRY LICENSING BOARD

G.M. No. 733 RANDALL BALL, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Randall Ball for service on the Motor Vehicle Industry Licensing Board.

Your Committee received testimony in support of the nomination for the appointment of Randall Ball from the Department of Commerce and Consumer Affairs, Meharry Medical College, and one individual.

Upon review of the testimony, your Committee finds that Dr. Ball's background and dedication to serving the public qualify him to be appointed to the Motor Vehicle Industry Licensing Board as a public member not connected with the industry. Your Committee notes that Dr. Ball is a retired colonel of the United States Army Dental Corps, specializing in pediatric dentistry. Over the course of his thirty-year career, Dr. Ball held distinguished academic and administrative appointments both nationally and internationally. Your Committee further notes that Dr. Ball has served as an active member in a number of professional organizations, including as president and program director of a dental society in Seoul and various positions within the Federal Services Academy of Pediatric Dentistry. Dr. Ball has also provided consulting services to dental treatment facilities around the world, taught and mentored at various dental schools, and engaged in years of community services for dental needs. Your Committee finds that Dr. Ball has a thorough understanding of the role and responsibilities of board members and his unique background will enhance the effectiveness of Motor Vehicle Industry Licensing Board. Your Committee therefore recommends that Dr. Ball be appointed to the Motor Vehicle Industry Licensing 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 and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1818 Commerce and Consumer Protection on Gov. Msg. No. 722

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF PHARMACY

G.M. No. 722 MARK BROWN, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Mark Brown for service on the Board of Pharmacy.

Your Committee received testimony in support of the nomination for the appointment of Mark Brown from the Board of Pharmacy and three individuals

Upon review of the testimony, your Committee finds that Mr. Brown's experience, knowledge, and commitment to public service qualify him for appointment to the Board of Pharmacy as a licensee member from Maui county. Your Committee notes that Mr. Brown has been a licensed pharmacist in Hawaii since 1996 and has over twenty-five years of experience in pharmacology. Mr. Brown has been the pharmacy operations manager and a consultant pharmacist for PharMerica in Wailuku since 1998, where he manages long-term care pharmacies, oversees daily operations, and reviews the drug regimens of hundreds of long-term care patients. Mr. Brown is also the head pharmacist for the Hawaii Disaster Medical Assistance Team and has been deployed on numerous occasions both nationally and internationally to train and respond to natural disasters. Your Committee further finds that Mr. Brown is an active member in many community and professional organizations and previously served on the Board of Pharmacy from 2005 to 2013, including serving as Chair and Vice-Chair. Your Committee therefore recommends that Mr. Brown be appointed to the Board of Pharmacy 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 and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1819 Commerce and Consumer Protection on Gov. Msg. Nos. 723 and 724

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

G.M. No. 723 LORNA HU, for a term to expire 06-30-2025; and

G.M. No. 724 BRIAN CHEN, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Lorna Hu and Brian Chen for service on the Board of Speech Pathology and Audiology.

LORNA HU

Your Committee received testimony in support of the nomination for the reappointment of Lorna Hu from Board of Speech Pathology and Audiology.

Upon review of the testimony, your Committee finds that Ms. Hu's experience, knowledge, and proven leadership on the Board of Speech Pathology and Audiology qualify her for reappointment to the Board as a licensee member. Your Committee notes that Ms. Hu has been licensed as a speech pathologist in Hawaii since 1986 and has over thirty years of professional practice experience in all areas of speech pathology. Ms. Hu is currently the lead pediatric speech-language pathologist at Tripler Army Medical Center's neuro-developmental multidisciplinary clinic. Ms. Hu also actively contributes to her professional community through her volunteerism and serves as a mentor and clinical student supervisor for various universities and as a consultant to medical students and educational staff. Your Committee further finds that Ms. Hu has served on the Board of Speech Pathology and Audiology since 2017 and prior to that, served as a member of the Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office's Speech Language and Audiology Advisory Committee for nearly twenty years. Your Committee therefore recommends that Ms. Hu be reappointed to the Board of Speech Pathology and Audiology based on her experience, knowledge, and commitment to public service.

BRIAN CHEN

Your Committee received testimony in support of the nomination for the reappointment of Brian Chen from the Board of Speech Pathology and Audiology and three individuals.

Upon review of the testimony, your Committee finds that Dr. Chen's knowledge, background, and proven leadership on the Board of Speech Pathology and Audiology qualify him for reappointment to the Board as a public member who is licensed to practice medicine in this State and certified by the American Board of Otolaryngology. Your Committee notes that Dr. Chen is a major in the Medical Corps of the United States Army, is currently stationed at the Tripler Army Medical Center where he serves as an attending surgeon, and has been a licensed physician in Hawaii since 2018. Dr. Chen completed his clinical fellowship for neurotology and skull base surgery at the House Ear Clinic in Los Angeles, California, and his otolaryngology and head and neck surgery residency at

Madigan Army Medical Center in Tacoma, Washington. Dr. Chen has undertaken several roles at Tripler Army Medical Center, including Assistant Chief of Otolaryngology, Medical Director of Audiology Services, and Director of the Cochlear Implant Program. Your Committee further finds that Dr. Chen has served on the Board of Speech Pathology and Audiology since 2020 and Dr. Chen's experience and knowledge will continue to be assets to the Board. Your Committee therefore recommends that Dr. Chen be reappointed to the Board of Speech Pathology and Audiology based on his background, experience, and dedication to serving the public.

As affirmed by the records of votes of the members of your Committee on Commerce and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1820 Commerce and Consumer Protection on Gov. Msg. Nos. 725 and 726

Recommending that the Senate advise and consent to the nominations of the following:

HAWAI'I BOARD OF VETERINARY MEDICINE

G.M. No. 725 LEIANNE LEE LOY, for a term to expire 06-30-2023; and

G.M. No. 726 CRAIG NISHIMOTO, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Leianne Lee Loy and Craig Nishimoto for service on the Hawaii Board of Veterinary Medicine.

LEIANNE LEE LOY

Your Committee received testimony in support of the nomination for the reappointment of Leianne Lee Loy from the Hawaii Board of Veterinary Medicine.

Upon review of the testimony, your Committee finds that Dr. Lee Loy's experience, knowledge, and proven leadership on the Hawaii Board of Veterinary Medicine qualify her for reappointment to the Board as a licensee member from the City and County of Honolulu. Your Committee notes that Dr. Lee Loy has been licensed as a veterinarian in Hawaii since 1997. Dr. Lee Loy worked as the medical director and associate veterinarian for Veterinary Centers of America University Animal Hospital for nearly twenty years and is currently an associate veterinarian for Hawaii Kai Veterinary Clinic and relief veterinarian for Li'i Leihua Veterinary Care. Your Committee further finds that Dr. Lee Loy is an active member in a number of professional organizations and has held various roles in the American Veterinary Medical Association and Hawaii Veterinary Medical Association. Dr. Lee Loy has served on the Hawaii Board of Veterinary Medicine since 2016 and her experience and knowledge will continue to be assets to the Board. Your Committee therefore recommends that Dr. Lee Loy be reappointed to the Hawaii Board of Veterinary Medicine based on her experience, knowledge, and commitment to public service.

CRAIG NISHIMOTO

Your Committee received testimony in support of the nomination for the reappointment of Craig Nishimoto from the Hawaii Board of Veterinary Medicine and one individual.

Upon review of the testimony, your Committee finds that Dr. Nishimoto's knowledge, background, and proven leadership on the Hawaii Board of Veterinary Medicine qualify him for reappointment to the Board as a licensee member representing Kauai County. Your Committee notes that Dr. Nishimoto has been licensed as a veterinarian in Hawaii since 1984. Dr. Nishimoto is a small animal veterinarian and has owned Paradise Animal Clinic in Kalaheo for thirty-two years. Dr. Nishimoto has also actively served as a member of a number of professional and community organizations, including president of the Hawaii Veterinary Medical Association, member of the board of directors for the Kauai Humane Society, and board member and treasurer for the Rotary Club of Poipu Beach Community Foundation. Your Committee further finds that Dr. Nishimoto has served on the Hawaii Board of Veterinary Medicine since 2018 and currently serves as Chair of the Board. Dr. Nishimoto's experience and knowledge will continue to be assets to the Hawaii Board of Veterinary Medicine. Your Committee therefore recommends that Dr. Nishimoto be reappointed to the Hawaii Board of Veterinary Medicine 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 and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1821 Commerce and Consumer Protection on Gov. Msg. Nos. 730, 731, and 732

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. 730 CLAYTON PANG, for a term to expire 06-30-2025;

G.M. No. 731 JOEL KUROKAWA, for a term to expire 06-30-2024; and

G.M. No. 732 KEN OTA, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Clayton Pang, Joel Kurokawa, and Ken Ota for service on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects.

CLAYTON PANG

Your Committee received testimony in support of the nomination for the reappointment of Clayton Pang from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects; Electech Hawaii, Inc.; and one individual.

Upon review of the testimony, your Committee finds that Mr. Pang'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 a licensee member. Your Committee notes that Mr. Pang has nearly fifty years of experience in electrical engineering and has been licensed as a professional electrical engineer in Hawaii since 1976. Mr. Pang is currently the president and principal electrical engineer of Electech Hawaii, Inc. Your Committee further notes that Mr. Pang is a member of many professional and community organizations and has served on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects since 2019, and represents the Board at regional and national conferences and serves on the Board's Rules Committee. Mr. Pang's experience and knowledge will continue to be assets to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects. Your Committee therefore recommends that Mr. Pang be reappointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his experience, knowledge, and commitment to public service.

JOEL KUROKAWA

Your Committee received testimony in support of the nomination for the appointment of Joel Kurokawa from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects; University of Hawai'i at Manoa; and two individuals.

Upon review of the testimony, your Committee finds that Mr. Kurokawa's background and dedication to serving the public qualify him to be appointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects as a licensee member. Your Committee notes that Mr. Kurokawa has been licensed as a landscape architect in Hawaii since 2002. Mr. Kurokawa has over thirty-five years of professional experience in Hawaii, California, and Japan, and currently owns and operates an established firm with a diverse portfolio of projects. Your Committee further notes that Mr. Kurokawa is an active member of his profession and community and is an elected member of the Board of Directors for the Council of Landscape Architecture Registration Boards, which administers the Landscape Architect Registration Examination. Mr. Kurokawa has served who prior consecutive terms on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects and his extensive experience in landscape architecture will continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Kurokawa be appointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his knowledge, background, and dedication to public service.

KEN OTA

Your Committee received testimony in support of the nomination for the reappointment of Ken Ota from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects and one individual.

Upon review of the testimony, your Committee finds that Mr. Ota'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 a public member. Your Committee notes that Mr. Ota is currently employed with Pacific Pipe Co., and prior to that, worked with ISI Hawaii Water Solutions for nearly twenty years. Your Committee further finds that Mr. Ota is an active participant in his community and currently serves as a board member of the A&B Sugar Museum, Trustee of the American Water Works Association, and previously served on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects from 2002 to 2009, including serving as the former Chair and Vice-Chair of the Board. Most recently, Mr. Ota has served on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects since 2017 and Mr. Ota's experience and knowledge will continue to be assets to the Board. Your Committee therefore recommends that Mr. Ota 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 and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1822 Commerce and Consumer Protection on Gov. Msg. Nos. 735 and 772

Recommending that the Senate advise and consent to the nominations of the following:

STATE BOARD OF PUBLIC ACCOUNTANCY

G.M. No. 735 JON ARBLES, for a term to expire 06-30-2024; and

G.M. No. 772 MARK HUNSAKER, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Jon Arbles and Mark Hunsaker for service on the State Board of Public Accountancy.

JON ARBLES

Your Committee received testimony in support of the nomination for the appointment of Jon Arbles from the Department of Commerce and Consumer Affairs; Hawaii Association of Public Accountants; Taketa, Iwata, Hara & Associates, LLC; and three individuals.

Upon review of the testimony, your Committee finds that Mr. Arbles' background and dedication to serving the public qualify him to be appointed to the State Board of Public Accountancy as a licensee member. Your Committee notes that Mr. Arbles has been licensed as a certified public accountant since 2017. Mr. Arbles is currently an audit manager for Taketa, Iwata, Hara & Associates. Previously, Mr. Arbles was a new market tax credit and finance advisor at TiLeaf Group, Inc. for four years, and a financial manager for Washington Mutual Bank/Chase Bank for seven years. Your Committee further notes that Mr. Arbles is an active member in a number of professional and community organizations, including the American Institute of Certified Public Accountants, Hawaii Association of Public Accountants, Hawaii Society of Certified Accountants, and Hawaii Community College Advisory Council's accounting program. Your Committee finds that Mr. Arbles has a thorough understanding of the role and responsibilities of board members and his experience will continue to enhance the effectiveness of the State Board of Public Accountancy. Your Committee therefore recommends that Mr. Arbles be appointed to the State Board of Public Accountancy based on his knowledge, background, and dedication to public service.

MARK HUNSAKER

Your Committee received testimony in support of the nomination for the appointment of Mark Hunsaker from the State Board of Public Accountancy; Mediated Solutions of Hawaii, LLC; and one individual.

Upon review of the testimony, your Committee finds that Mr. Hunsaker's experience, knowledge, and commitment to serving the public qualify him to be appointed to the State Board of Public Accountancy as a licensee member. Your Committee notes that Mr. Hunsaker over forty-five years of experience in public accountancy across the United States and its territories and has been licensed as a certified public accountant in Hawaii since 1986. Mr. Hunsaker is currently the Director of Bowen Hunsaker, Certified Public Accountants and Bowen Hunsaker Consulting, Inc. Mr. Hunsaker also works as a licutenant colonel and a command pilot for the United States Air Force Auxiliary. Your Committee further notes that Mr. Hunsaker has served on numerous professional boards and organizations, in addition to two prior terms on the State Board of Public Accountancy where he served in various roles, including as Chair and Vice-Chair of multiple committees. Your Committee finds that Mr. Hunsaker has a thorough understanding of the role and responsibilities of board members and his extensive experience will continue to enhance the effectiveness of the State Board of Public Accountancy. Your Committee therefore recommends that Mr. Hunsaker be appointed to the State Board of Public Accountancy 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 and Consumer Protection 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, 7. Noes, none. Excused, none.

SCRep. 1823 Ways and Means on Gov. Msg. No. 566

Recommending that the Senate advise and consent to the nomination of the following:

CHAIRPERSON OF THE BOARD OF TAXATION REVIEW, 1ST TAXATION DISTRICT (OAHU)

G.M. No. 566 GLENN SAKUDA, for a term to expire 06-30-2025

Your Committee reviewed the personal statement and resume submitted by Glenn Sakuda for service as the Chairperson of the Board of Taxation Review, First Taxation District (Oahu).

Your Committee received testimony in support of the nomination of Glenn Sakuda from the Department of Taxation and two individuals.

Upon review of the testimony and the nominee's qualifications, your Committee recognizes that Mr. Sakuda earned a Bachelor of Business Administration degree in Accounting and a Juris Doctor degree from the University of Washington School of Law. With his extensive experience as a certified public accountant and as a licensed attorney, he has earned recognition among accountants and taxation attorneys. Your Committee further recognizes that Mr. Sakuda is currently serving quite ably as a member of the Board of Taxation Review, First Taxation District.

As 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, 8. Noes, none. Excused, 3 (English, Inouye, Shimabukuro).

SCRep. 1824 Housing on Gov. Msg. No. 556

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF DIRECTORS OF THE HAWAI'I PUBLIC HOUSING AUTHORITY

G.M. No. 556 GEORGE DEMELLO, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by George DeMello for service on the board of directors of the Hawaii Public Housing Authority (HPHA).

Your Committee received testimony in support of the nomination for the appointment of George DeMello from HPHA.

Upon review of the testimony, your Committee finds that Mr. DeMello's background, experience, and dedication to public service qualify him for appointment to the Board of Directors for HPHA. Mr. DeMello has an extensive work history in the retail and service industries. The HPHA board benefits when its members come from a variety of different backgrounds and life experiences.

Additionally, Mr. DeMello has served on the HPHA board for the past five years as well as serving many years on the HPHA's Resident Advisory Board. Mr. DeMello's appointment would continue to give public housing tenants a voice on the HPHA. In these roles, Mr. DeMello has repeatedly demonstrated his commitment to the work that HPHA performs and his contributions have been invaluable. Your Committee notes that as a result of his previous service, Mr. DeMello has a thorough understanding of the role and responsibilities of board members. Your Committee therefore recommends that George DeMello be appointed to the board of directors of the HPHA based on his knowledge, professional experience, and commitment to furthering HPHA's mission.

Finally, your Committee takes this opportunity to note its dissatisfaction with the worsening housing shortage in Hawaii. The State is obligated to "[e]ffectively accommodate the housing needs of Hawaii's people" under the Hawaii State Planning Act, section 226-19(b)(1), Hawaii Revised Statutes. Despite this statutory obligation, and despite its mission to "provide Hawaii' residents with affordable housing and shelter without discrimination," HPHA has not articulated a plan to provide sufficient affordable housing in Hawaii to meet the demand and reverse the population exodus from the State. While your Committee feels that Mr. DeMello is well-qualified and your Committee fully supports his appointment, it is imperative for the HPHA board to understand the urgency of the ongoing housing crisis. Your Committee expects to see progress from the state housing agencies, particularly HPHA, on providing sufficient affordable housing to the people of Hawaii and expects future nominees for board vacancies to come equipped with plans to remedy the housing crisis in the State.

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

SCRep. 1825 Housing on Gov. Msg. Nos. 526 and 668

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. 526 DONN MENDE, for a term to expire 06-30-2025; and

G.M. No. 668 SEAN SASAKI, for a term to expire 06-30-2024

Your Committee has reviewed the personal histories, resumes, and statements submitted by Donn Mende and Sean Sasaki for service on the Board of Directors of the Hawaii Housing Finance and Development Corporation (HHFDC).

DONN MENDE

Your Committee received testimony in support of the nomination for the reappointment of Donn Mende from the HHFDC, EAH Housing, Takamine Construction, Michaels Organization, and one individual.

Upon review of the testimony, your Committee finds that with over twenty years of experience in the finance and banking industry, Mr. Mende is well-qualified to serve on the board of directors of HHFDC. Mr. Mende has worked for several of Hawaii's largest lending institutions and currently serves as the lending manager at HFS Federal Credit Union. He can rely on his years of experience in finance to make valuable contributions to the board. Mr. Mende also has a substantial record of service to the community as a board member of several nonprofit organizations and governmental bodies. Your Committee notes that Mr. Mende currently serves as the chair of HHFDC and his previous experience on the board gives him a thorough understanding of the roles and responsibilities of board members and that he will continue to be an asset.

SEAN SASAKI

Your Committee received testimony in support of the nomination for the appointment of Sean Sasaki from HHFDC, EAH Housing, and one individual.

Upon review of the testimony, your Committee finds that Mr. Sasaki's experience in project management and project controls qualify him for appointment to the board of directors of HHFDC. Your Committee notes that Mr. Sasaki has over twenty years of experience in these roles, working at every level of the project lifecycle from initial proposal to closeout. His experience will bring a diverse perspective and valuable insight to the board in reviewing affordable housing projects applying for HHFDC financing. Your Committee also notes that Mr. Sasaki has a background in engineering and believes that this experience will be a benefit to the board.

Finally, your Committee would like to take this opportunity to note its dissatisfaction with the worsening housing shortage in Hawaii. The State is obligated to "[e]ffectively accommodate the housing needs of Hawaii's people" under the Hawaii State Planning Act, section 226-19(b)(1), Hawaii Revised Statutes. Despite this statutory obligation, and despite its mission as the State's housing development agency, HHFDC has not articulated a plan to end the housing shortage, to produce enough housing to meet demand, to bring down home prices, or to reverse the population exodus from the State. While your Committee feels that these nominees to the board are well-qualified and fully supports their appointment, it is imperative for the HHFDC board to understand the urgency of the ongoing housing crisis. Your Committee expects to see progress from the state housing agencies, particularly HHFDC, on providing sufficient affordable housing to the people of Hawaii and expects future nominees to fill board vacancies to come equipped with plans on remedying the housing shortage in the State.

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

SCRep. 1826 Hawaiian Affairs on Gov. Msg. No. 766

Recommending that the Senate advise and consent to the nomination of the following:

ISLAND BURIAL COUNCIL, ISLAND OF MOLOKAI

G.M. No. 766 KEOMAILANI HIRATA, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Keomailani Hirata for service on the Island Burial Council for the Island of Molokai.

Your Committee received testimony in support of the nomination for the appointment of Keomailani Hirata from the Department of Land and Natural Resources and the Office of Hawaiian Affairs.

Upon review of the testimony, your Committee finds that Ms. Hirata's background, experience, and dedication to public service qualify her for appointment to the Island Burial Council of the island of Molokai as the East Molokai regional representative. Ms. Hirata describes herself as a *keiki o ka 'āina* and a *kupa 'āina* of Molokai. Her family comes from 'Aha'ino, Molokai and she was raised on their kuleana lands. Ms. Hirata is well-versed as a cultural practitioner of burials and Native Hawaiian arts following the path of her parents who served as board members of the Island Burial Council in the 1990s. Ms. Hirata has also been trained in the cultural protocols for caring for iwi kūpuna and her family has hosted cultural trainings to wrap kapa for iwi kūpuna before reinterring them back to their resting place.

Ms. Hirata has a Bachelor of Arts degree in Hawaiian Studies from Hawaii Pacific University and received specialty training in cultural and historical trauma informed care and the National Preservation Act. She has assisted her family through lengthy litigation to protect their kuleana lands and burials and conducted extensive research during her high school years at the Bureau of Conveyances and Hawaii State Archives, which included translating documents from 'ōlelo Hawaii into English. Your Committee finds that Ms. Hirata will be an asset to the Island Burial Council for the island of Molokai as a representative for the region of east Molokai based on her experience, knowledge of the profession, and desire to contribute to the community.

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, none. Excused, 2 (Ihara, Fevella).

SCRep. 1827 Hawaiian Affairs on Gov. Msg. Nos. 739 and 740

Recommending that the Senate advise and consent to the nominations of the following:

ISLAND BURIAL COUNCIL, ISLAND OF HAWAII

G.M. No. 739 KALENA BLAKEMORE, for a term to expire 06-30-2025; and

G.M. No. 740 RANDALL HIGA, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Kalena Blakemore and Randall Higa for service on the Island Burial Council, Island of Hawaii.

KALENA BLAKEMORE

Your Committee received testimony in support of this nominee from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and one individual.

Currently, Ms. Blakemore serves as a Legacy Land Management Specialist for the Wao Kele o Puna Forest Reserve for the Office of Hawaiian Affairs, where she oversees developing, coordinating, and implementing legacy land acquisitions, management plans, scopes of work, and policy. She represents the Office of Hawaiian Affairs on the Hawaii Volcanoes National Park, Kupuna Council for Section 106 Consultation. Ms. Blakemore is also the Vice Chair of the Hawaii Island Burial Council, where she has served as a member for the past six years.

Ms. Blakemore received a Bachelor's degree in Anthropology from the University of Hawaii at Hilo. She served for nine years as an Archaeologist for the Cultural Resource Management Division at Hawaii Volcanoes National Park where she implemented protective protocols, inventoried caves, and monitored compliance with the federal National Historic Preservation Act. She also served as an intern with the State Historic Preservation Division in 2002. She is a founding member of the Volcano School of Arts and Sciences and also participates in native plant restoration activities.

Your Committee finds that Ms. Blakemore is compelled by her Hawaiian heritage to serve the iwi kupuna and will continue to bring a unique perspective and kuleana to the Hawaii Island Burial Council as the Puna regional representative.

RANDALL HIGA

Your Committee received testimony in support of this nominee from the Department of Land and Natural Resources and Office of Hawaiian Affairs.

Mr. Higa has served as an interim member of the Island Burial Council, Island of Hawaii, since late 2018 and was confirmed as a member of the Island Burial Council for the Island of Hawaii in 2019. Although originally from Oahu, Mr. Higa has made his home in the Hamakua moku and has genealogical ties to Liloa of Waipio. Your Committee finds that Mr. Higa has dedicated his life to his community, with a career in education and the Honolulu Fire Department, where he retired as a Captain. He has also spent years

preserving the natural beauty of Hawaii and local community gathering places by participating in beach and park cleanups and performing volunteer park maintenance.

Your Committee further finds that Mr. Higa has a history of working to preserve historic sites by performing restoration work on multiple walls, fishponds, and other historic sites, including working on projects involving Hawaiian dry stack wall renovation at Puu Kohola Heiau, Kalaupapa, and at the Kaloko-Honokohau Fishpond. Mr. Higa also has extensive experience as a member of the Royal Order of Kamehameha. Mr. Higa not only preserves Hawaii's past but has also been a notable advocate for broadening the appeal of traditional Hawaiian arts to younger generations by serving on the Board of Directors of several canoe clubs. Mr. Higa has been certified as a domestic mediator with the West Hawaii Mediation Center, Neighbor, LLC. Mr. Higa's knowledge and perspective, combined with his interest in preserving Hawaii's past, will assist with the deliberations of the Council and your Committee finds that Randall Higa's experience and knowledge will continue to be valuable assets to the Council.

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. 1828 Hawaiian Affairs on Gov. Msg. Nos. 767, 768, 769, and 770

Recommending that the Senate advise and consent to the nominations of the following:

ISLAND BURIAL COUNCIL, ISLANDS OF KAUAI AND NIIHAU

G.M. No. 767 WAYNE HARADA, for a term to expire 06-30-2022;

G.M. No. 768 SANDRA QUINSAAT, for a term to expire 06-30-2024;

G.M. No. 769 SHERRI-LEE CUMMINGS YOKOTAKE, for a term to expire 06-30-2021; and

G.M. No. 770 SHERRI-LEE CUMMINGS YOKOTAKE, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Wayne Harada, Sandra Quinsaat, and Sherri-Lee Cummings Yokotake for the Island Burial Council, islands of Kauai and Niihau.

WAYNE HARADA

Your Committee received testimony in support of the nomination for the appointment of Wayne Harada from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and one individual.

Upon review of the testimony, your Committee finds that Mr. Harada's professional experience, background, and commitment to public service qualify him for appointment to the Island Burial Councils, islands of Kauai and Niihau as the representative for the geographic region of Waimea/Na Pali. Mr. Harada is a former member, previously serving two terms on the Island Burial Council, islands of Kauai and Niihau. While on the Council, Mr. Harada was able to work with other members to meet deadlines in a timely manner and assist community members with iwi kūpuna issues with cultural sensitivity. As a reflection of his strong genealogical ties, Mr. Harada believes that he has gained the respect and trust of many Native Hawaiian elders of north Kauai, who have provided him with oral histories and knowledge of indigenous burial practices and protocol.

Mr. Harada's family is from the Halelea moku and Wainiha ahupuaa and he descends from the Kanialama and Haumea lines from Maui and Kauai. He served as an educational coordinator for the Hanalei Watershed Hui, and as a cultural specialist for various educational programs on Kauai, including the Nā Pua No'eau and Pualani Foundation. He is the current Hawaiian cultural specialist for the Kanuikapono Public Charter School in Anahola. As an educator, Mr. Harada seeks to teach ike kuuna, hula, and chants to students to carry on the legacy of their ancestors. He also engages in traditional and customary Native Hawaiian practices of hula as a dancer with Hālau Ha'a Hula o Kekauilani Nā Pua Hala o Kailua, fishing and farming, developing courses in self-sustainability, and as a member of Hui Maka'āinana o Makana to restore kalo patches in Haena State Park. Therefore, your Committee finds that Mr. Harada has a thorough understanding of the role and responsibilities of board members and will be an asset to the Island Burial Council, islands of Kauai and Niihau, based on his knowledge, experience, and desire to contribute to the community.

SANDRA QUINSAAT

Your Committee received testimony in support of the nomination for the appointment of Sandra Quinsaat from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and one individual.

Upon review of the testimony, your Committee finds that Ms. Quinsaat's professional experience, background, and commitment to public service qualify her for reappointment to the Island Burial Council, islands of Kauai and Niihau as the representative for the geographic region of Koloa. Your Committee notes that Ms. Quinsaat previously served on the Island Burial Council, islands of Kauai and Niihau, from 2004 to 2012, and your Committee finds that Ms. Quinsaat has a thorough understanding of the role and responsibilities of board members.

Your Committee finds that Ms. Quinsaat was involved with the application of Hawaii laws regarding disposition of human skeletal remains when such remains were discovered at the Grand Hyatt Kauai Resort and Spa where she currently works as a Project Manager, and at other properties such as The Point at Poipu, Marriott Waiohai, and Sheraton Kauai Resort. Ms. Quinsaat performs reinterment of iwi kūpuna with traditional Hawaiian protocol, where she seeks the advice and respect of kūpuna. These are critical attributes for council members whose primary purpose is to serve the best interests of kūpuna and surviving families and descendants. Ms. Quinsaat has been a strong voice for kūpuna in Koloa for many years.

Ms. Quinsaat also maintains strong connections with the community and seeks to protect cultural traditions. She currently serves on the Protocol Committees at the Hyatt and with Nā Kalai Wa'a o Kaua'i and dances hula with Hula Hālau Na Hui o Kamakaokalani. Your Committee therefore finds that Ms. Quinsaat will be an asset to the Island Burial Council, islands of Kauai and Niihau, based on her knowledge, professional experience, and commitment to her community.

SHERRI-LEE CUMMINGS YOKOTAKE

Your Committee received testimony in support of the nomination for the appointment and reappointment of Sherri-Lee Cummings Yokotake from the Department of Land and Natural Resources and Office of Hawaiian Affairs.

Upon review of the testimony, your Committee finds that Ms. Cummings Yokotake's professional experience, background, and commitment to public service qualify her for appointment and reappointment to the Island Burial Council, islands of Kauai and Niihau as the representative for the geographic region of Hanalei. Ms. Cummings Yokotake's maternal genealogical ties are to Kauai and Niihau. Ms. Cummings Yokotake has served as the Vice President of the Hanalei Hawaiian Civic Club, director of the Council for Native Hawaiian Advancement Directors of Native Rights for the Sovereign Council of Hawaiian Homestead Associations, and Vice President of the Anahola Hawaiian Homes Association. In several of these roles, Ms. Cummings Yokotake worked on matters involving legislative policies and resolutions with impacts on the Native Hawaiian community which allowed her to advocate at the state and federal levels.

Additionally, Ms. Cummings Yokotake is a founder of a Native Hawaiian organization, Mālama Anahola, and owner of LYC Construction Company for the past seven years. As a former contractor and land developer, Ms. Cummings Yokotake was involved in due diligence related to the inadvertent discovery of iwi kūpuna on projects her company worked on. In this capacity, she developed cultural mitigation plans prior to the start of all projects with high likelihoods of encountering significant findings, including unmarked ancestral burials. These efforts allowed her company to mitigate inadvertent discovery of iwi kūpuna. Ms. Cumming Yokotake's understanding of land development and construction issues and commitment to kuleana have allowed her to be an appropriate advisor for burial issues in Anahola. Your Committee finds that Ms. Cummings Yokotake will be an asset to the Island Burial Council, islands of Kauai and Niihau, based on her knowledge, professional experience, and commitment to her community.

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

SCRep. 1829 Hawaiian Affairs on Gov. Msg. Nos. 741, 742, 743, 744, and 745

Recommending that the Senate advise and consent to the nominations of the following:

ISLAND BURIAL COUNCIL, ISLAND OF OAHU

G.M. No. 741 CHARLES MITCHELL, for a term to expire 06-30-2023;

G.M. No. 742 NORMAN CACERES, for a term to expire 06-30-2024;

G.M. No. 743 NANEA LO, for a term to expire 06-30-2024;

G.M. No. 744 DIANE FITZSIMMONS, for a term to expire 06-30-2024; and

G.M. No. 745 WILLIAM MILLS, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Charles Mitchell, Norman Caceres, Nanea Lo, Diane Fitzsimmons, and William Mills for service on the Oahu Island Burial Council.

CHARLES MITCHELL

Your Committee received testimony in support of the nomination for the reappointment of Charles Mitchell from the Office of Hawaiian Affairs, Department of Land and Natural Resources, and one individual.

Your Committee finds that Mr. Mitchell is a practicing Cultural Anthropologist who has been involved with preserving iwi kupuna since he was a child and has demonstrated his dedication to preserving iwi kupuna throughout his life. For the past five years, Mr. Mitchell has served on the Island Burial Council for the island of Oahu as its Vice Chair, representing the geographic region of Waianae. His knowledge, experience, and kuleana have been valuable assets to the Oahu Island Burial Council. Mr. Mitchell has a Bachelor's degree in Anthropology with an emphasis on Archaeology from the University of Hawaii at Hilo, and a Master's degree in Applied Indigenous Knowledge from Te Wāṇanga O Aotearoa Universities, Hamilton, New Zealand. Subsequently, Mr. Mitchell personally assisted with the preparation of iwi kupuna and moepu, worked on the long-term preservation plan for portions of a trail located in West Hawaii Veteran's Cemetery, conducted the archaeological inventory survey for a seventy-one acre parcel in Kawela, drafted several burial treatment plans, and conducted cultural assessments. Mr. Mitchell's lifetime of cultural and archaeological experience, combined with his experience working with various communities, will allow him to continue his significant contributions to the Oahu Island Burial Council and its work as a representative of the geographic region of Kona.

NORMAN CACERES

Your Committee received testimony in support of the nomination for the reappointment of Norman Caceres from the Department of Land and Natural Resources and two individuals.

Upon review of the testimony, your Committee finds that Mr. Caceres's professional experience and background qualify him for reappointment to the Island Burial Council, Island of Oahu, representing the geographic region of Ewa. Mr. Caceres has served on the

Oahu Island Burial Council for the Ewa District for the past five years. While on the council, Mr. Caceres has demonstrated a deep sense of cultural sensitivity concerning iwi kupuna and regularly dedicates time to attend consultation meetings with developers.

Mr. Caceres has a Bachelor's degree in Communication from the University of Hawaii at Hilo where he learned Hawaiian language, chants, and religious protocol. Part of his academic curriculum included archaeology field work and anthropology. Mr. Caceres is also currently employed by Oiwi Cultural Resources as a Cultural Monitor Assistant Manager and is a haumana of Mālama Iwi Kūpuna. Your Committee finds that in these positions and as a recognized lineal cultural descendant, he has worked on facilitating proper treatment and protection of human skeletal remains. Mr. Caceres' understanding of development issues in the construction industry in conjunction with his knowledge of the historic preservation review process has enriched his experience on the Island Burial Council where many decisions revolve around development, construction, and archaeology. As such, he has obtained the requisite knowledge and experience in Native Hawaiian traditional, cultural, and historic properties necessary to the Council's operations. Your Committee further finds that Mr. Caceres's experience in working with iwi kupuna will continue to be an asset to the Oahu Island Burial Council.

NANEA LO

Your Committee received testimony in support of the nomination for the appointment of Nanea Lo from the Department of Land and Natural Resources, Planned Parenthood Votes Northwest and Hawaii, and twenty-nine individuals.

Your Committee finds that Ms. Lo is from Papakolea, Oahu and currently lives in the Kapolei Kaupea Hawaiian Homes homestead. Ms. Lo has a Bachelor of Art's in Interdisciplinary Studies, Urban and Regional Planning from the University of Hawaii at Manoa and is currently working on her Master's degree in the same subject matter. She is currently a member of the 'Ahahui Siwila Hawai'i o Kapolei, which has enabled her to gain experience in burial issues as the club is involved in caring for the Kalaeloa Heritage Park where Native Hawaiian human skeletal remains exist. Ms. Lo is engaged in Native Hawaiian initiatives as a former Policy and Public Health Analyst with the National Indian Health Board, Graduate Research Assistant with Hui 'Āina Pilipili, Hawaii Asia-Pacific Affairs Leadership Scholar, and Peace Scholar. These experiences have given her training in the areas of land management, cultural studies, Hawaiian history, and repatriation. Your Committee finds that Nanea Lo's experience and knowledge will be valuable assets to the Oahu Island Burial Council.

DIANE FITZSIMMONS

Your Committee received testimony in support of the nomination for the appointment of Diane Fitzsimmons from the Department of Land and Natural Resources, Association of Hawaiian Civic Clubs, Ke One o Kākuhihewa, and six individuals.

Your Committee finds that Ms. Fitzsimmons has cultural and genealogical ties to the Waialua moku. She is currently a member of the Waialua Hawaiian Civic Club and the moku director for the Kākuhihewa Hawaiian Civic Club, where she advocates for positions important for Native Hawaiian members. In this role, she participates in the protection and preservation care of iwi kupuna at Pu'uiki Cemetery and in Pupukea. Ms. Fitzsimmons has also participated as a community member with the University of Hawaii's School of Archaeology North Shore Field School. Ms. Fitzsimmons has experience dealing with burial issues, attending Island Burial Council meetings over the past three years as a recognized descendant of human skeletal remains located at Kawaiaha'o Church. She has been vigilant in ensuring that construction does not disturb inadvertent finds and has reported concerns to the State Historic Preservation Division. Your Committee therefore finds that Ms. Fitzsimmons' dedication to preserving iwi kupuna, and her experience and knowledge qualify her for appointment to the Oahu Island Burial Council, representing the geographic region of Waialua.

WILLIAM MILLS

Your Committee received testimony in support of the nomination for the reappointment of William Mills from the Office of Hawaiian Affairs, Department of Land and Natural Resources, and three individuals.

Mr. Mills has served on the Oahu Island Burial Council since 2018. After graduating with a Hawaiian Language degree and Master's degree in Public Administration from the University of Hawaii, Mr. Mills focused his career on Hawaiian issues in the public sector. Over the course of his career, Mr. Mills worked at the Office of Hawaiian Affairs, Office of the State Auditor, Department of Land and Natural Resources Historic Preservation Division, and Department of Hawaiian Home Lands where he gained invaluable experience in administrative affairs. Of note is Mr. Mills' role at the State Historic Preservation Division, where he managed all burial cases on the islands of Oahu and Hawaii and built a strong foundation in burials and historic preservation during his tenure. Mr. Mills' lifelong commitment to cultural and natural resources preservation and extensive experience with government resources and procedures will be valuable assets to the Oahu Burial Council.

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. 1830 (Majority) Hawaiian Affairs on Gov. Msg. Nos. 746, 747, 748, and 749

Recommending that the Senate advise and consent to the nominations of the following:

ISLAND BURIAL COUNCIL, ISLANDS OF MAUI AND LANA'I

G.M. No. 746 KAHELEONOLANI DUKELOW, for a term to expire 06-30-2023;

G.M. No. 747 DANE MAXWELL, for a term to expire 06-30-2025;

G.M. No. 748 KYLE NAKANELUA, for a term to expire 06-30-2025; and

G.M. No. 749 EVERETT DOWLING, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Kaheleonolani Dukelow, Dane Maxwell, Kyle Nakanelua, and Everett Dowling for service on the Island Burial Councils, islands of Maui and Lanai.

KAHELEONOLANI DUKELOW

Your Committee received testimony in support of the nomination for the reappointment of Kaheleonolani Dukelow from the Office of Hawaiian Affairs, Department of Land and Natural Resources, and three individuals.

Your Committee finds that Ms. Dukelow has been serving as a representative for the Honuaula region on the Island Burial Council, islands of Maui and Lanai for the last seven years. She has demonstrated a deep dedication to the preservation and perpetuation of Hawaiian culture. Ms. Dukelow is an instructor in Hawaiian studies and olelo Hawaii at the University of Hawaii Maui College and previously taught at the Department of Education Kula Kaiapuni program. She has dedicated her life to supporting educational programs, encouraging a thriving Hawaiian culture and language, and building character, identity, pride, and spirit among keiki and haumana. Ms. Dukelow contributes avidly to Hawaiian education advocacy groups, including Nā Leo Kākoʻo o Maui and 'Āha Kauleo, and has developed Hawaiian cultural and Hawaiian language medium curriculum for various community foundations, college-preparatory and college courses, and Hawaiian language immersion programs. Accordingly, Ms. Dukelow has exemplified passion for perpetuating and preserving native Hawaiian culture that is unsurpassed. Your Committee finds that Ms. Dukelow's valuable insight and expertise will continue to be valuable assets to the Island Burial Council, islands of Maui and Lanai.

DANE MAXWELL

Your Committee received testimony in support of the nomination for the reappointment of Dane Maxwell from the Office of Hawaiian Affairs, Department of Land and Natural Resources, and one individual.

Your Committee finds that Mr. Maxwell has been serving as a representative on the Island Burial Council, islands of Maui and Lanai for the last seven years, and currently serves as its chairperson. Mr. Maxwell possesses training and experience with historic preservation issues since his early youth and he and his family carry a legacy of cultural and historic preservation for the island of Maui. Born in Wailuku, Maui, Mr. Maxwell traces his dedication to the protection of burials to his memories of witnessing his grandfather and his colleagues re-inter iwi at Honokohau. Mr. Maxwell trained in the proper re-interment protocol, becoming an ordained kahu and cultural specialist. As the owner of CKM Cultural Resources, he has assisted major developers with creating burial treatment plans and cultural impact statements, gaining expertise on state and federal laws related to this purpose.

Your Committee also finds that Mr. Maxwell is dedicated to the preservation of the Hawaiian culture, having attended a Hawaiian language immersion school and learned hula at his halau, Pukalani Hula Hale. Through his longstanding commitment to represent his kupuna and iwi practices, your Committee finds that Mr. Maxwell's experience, kuleana, and knowledge will continue to be valuable assets to the Island Burial Council, islands of Maui and Lanai.

KYLE NAKANELUA

Your Committee received testimony in support of the nomination for the reappointment of Kyle Nakanelua from the Office of Hawaiian Affairs, Department of Land and Natural Resources, and two individuals.

Your Committee finds that Mr. Nakanelua has been serving as a representative for the Hana region on the Island Burial Council, islands of Maui and Lanai for the last two years. His knowledge reflects his ability to remain calm, think logically and rationally, and treat all with respect. He is a graduate of traditional Hawaii esoteric knowledge, fluent in the Hawaiian language, and serves as a private contractor in the areas of traditional Hawaiian rites, rituals, and protocols.

Mr. Nakanelua and his family have deep lineal connections to Hana. In working on his family's farm and having received the oral traditions and ancestral knowledge of their ahupuaa, he has felt kuleana to contribute to the thoughtful management and protection of iwi kūpuna. Mr. Nakanelua has worked as a cultural consultant for the State Department of Transportation – Airports Division, where he specialized in educating clients about Native Hawaiian cultural traditions, spiritual customs, and protocols. Further, Mr. Nakanelua has practiced cultural preservation with several community organizations, serving as the Operations Officer of the Royal Order of Kamehameha, the Pinhanakalani and Haleki'i Heiau Restoration Committee, and Pu'uokoholā Heiau National Historic Site Advisory Committee. Your Committee finds that Mr. Nakanelua's connections, experiences, and activities will continue to be valuable assets to the Maui and Lanai Island Burial Council.

EVERETT DOWLING

Your Committee received testimony in support of the nomination for the appointment of Everett Dowling from the Department of Land and Natural Resources, Hawaii Community Foundation, and one individual.

Your Committee finds that Mr. Dowling previously served on the Island Burial Council, islands of Maui and Lanai in the 1990s. Mr. Dowling owns the Dowling Company that has developed four Department of Hawaiian Home Lands homesteads, is currently in the process of building another homestead, in that capacity he has a reputation for producing homesteads on time and on budget. Mr. Dowling has demonstrated sensitivity to cultural issues at every point in the development process and is passionate about supporting Native Hawaiian homeownership. Mr. Dowling contributed to the Native Hawaiian community when his company built and leased to Kamehameha Schools at a rate of \$1 per year its interim Maui Campus while the infrastructure for its new Maui campus was being constructed. He also donated twenty acres of Palauea Cultural Preserve to the Office of Hawaiian Affairs. Your Committee finds that Mr. Dowling's experience and knowledge will be valuable assets to the Island Burial Council, islands of Maui and Lanai.

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.

For Gov. Msg. Nos. 746, 747, and 748: Ayes, 5. Noes, none. Excused, none.

For Gov. Msg. No. 749: Ayes, 4; Ayes with Reservations (Acasio). Noes, 1 (Fevella). Excused, none.

SCRep. 1831 Judiciary on Gov. Msg. No. 805

Recommending that the Senate advise and consent to the nomination of the following:

DEFENDER COUNCIL

G.M. No. 805 DAVID HAYAKAWA, for a term to expire 06-30-2022

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds David Hayakawa to possess the requisite qualifications to be nominated for appointment to the Defender Council.

Your Committee received testimony in support of the nomination for the appointment of David Hayakawa from the Governor; Office of the Public Defender, Hawai'i Association of Criminal Defense Attorneys; Hudson Law, LLLC; and forty-six individuals.

Upon review of the testimony, your Committee finds that Mr. Hayakawa's extensive experience in the field of criminal defense, expertise in the criminal justice system, and familiarity with every level of the Hawaii Judiciary qualify him to be nominated for appointment to the Defender Council. Your Committee notes that Mr. Hayakawa has been practicing criminal defense law for over thirty years, including twelve years as a deputy public defender, and has been named a Top-Rated Criminal Defense Attorney in Honolulu in addition to many other honors and accolades, including Lawyer of the Year for Criminal Defense-General Practice. Additionally, Mr. Hayakawa continues to volunteer his time to assist the Office of the Public Defender by serving as a mentor to young deputy public defenders. Mr. Hayakawa is also actively engaged in the legal community. He has served as Dean of the Hawaii State Bar Association's Trial Academy since 2014, as well as the co-chairperson of the Supreme Court of the State of Hawaii's Rule 1.14 Professionalism Course Committee. Your Committee further finds that Mr. Hayakawa's legal expertise, experience in the practice of criminal law, and commitment to serving the community will be great assets to the Defender Council.

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, 6. Noes, none. Excused, 1 (Lee).

SCRep. 1832 Education on Gov. Msg. Nos. 796 and 797

Recommending that the Senate advise and consent to the nominations of the following:

EARLY LEARNING BOARD

G.M. No. 796 MARI UEHARA, for a term to expire 06-30-2023; and

G.M. No. 797 ERIN HENDERSON LACERDO, for a term to expire 06-30-2025. (Term amended to 6-30-2024 by GM825)

Your Committee reviewed the personal histories, resumes, and statements submitted by Mari Uehara and Erin Henderson Lacerdo for service on the Early Learning Board.

MARI UEHARA

Your Committee received testimony in support of the nomination for the reappointment of Mari Uehara from the Executive Office on Early Learning; Early Learning Board; and American Academy of Pediatrics, Hawai'i Chapter.

Upon review of the testimony, your Committee finds that Dr. Uehara's experience as a board-certified developmental behavioral pediatrician, expertise in child development, and commitment to public service qualify her for reappointment to the Early Learning Board as a voting member who represents the Hawai'i Chapter of the American Academy of Pediatrics. Your Committee notes that Dr. Uehara has practiced as a pediatrician in Japan since 1989 and obtained her Hawaii medical license in 1999. She has been a Clinical Assistant Professor at the University of Hawaii at Manoa, John A. Burns School of Medicine since 2003. Your Committee further notes that Dr. Uehara has been an active member on various professional and governmental bodies, including the Hawaii Early Intervention Coordinating Council. Your Committee further finds that Dr. Uehara has served on the Early Learning Board since 2017 and that she has a thorough understanding of the role and responsibilities of its members. Her experience as a pediatrician and expertise in early development and child education will continue to enhance the effectiveness of the Early Learning Board. Your Committee therefore recommends that Mari Uehara be reappointed to the Early Learning Board based on her experience, expertise, and commitment to public service.

ERIN HENDERSON LACERDO

Your Committee received testimony in support of the nomination for the appointment of Erin Henderson Lacerdo from the Department of Health, Executive Office on Early Learning, Early Learning Board, Puakalehua Early Learning Consortium, and three individuals

Upon review of the testimony, your Committee finds that Ms. Henderson Lacerdo's background, experience, and desire to serve the public qualify her to be appointed to the Early Learning Board as a voting member who represents home-visiting program providers. Your Committee notes that Ms. Henderson Lacerdo has worked in the field of early childhood for twelve years. She has been a certified child-parent psychotherapy clinician since 2019 and licensed in Hawaii as a clinical social worker since 2017. Your Committee further notes that Ms. Henderson Lacerdo is currently the Statewide Program Director of Keiki O Ka Aina's He Lei Piko Home Visiting Program. She is also a mentor for the Infant Mental Health Fellows Program and a certified infant family specialist with the Council for Professional Recognition. Your Committee further finds that Ms. Henderson Lacerdo has served on the Steering

Committee of the Puakalehua Early Learning Consortium for North and West Hawaii since 2019 and that she understands the role and responsibilities of board members. Her extensive experience and connection with the Hawaii Home Visiting Network will enhance the effectiveness of the Early Learning Board. Your Committee therefore recommends that Erin Henderson Lacerdo be appointed to the Early Learning Board based on her background, experience, and desire to serve the public.

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, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 1833 Health on Gov. Msg. Nos. 580, 581, 582, 583, 584, 585, and 586

Recommending that the Senate advise and consent to the nominations of the following:

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

- $G.M.\ No.\ 580 \quad PHILIP\,ANA, for a term to expire 06-30-2025;$
- G.M. No. 581 KIRIKO TAKAHASHI, for a term to expire 06-20-2022 (expiration date amended to 6-30-2022 by GM662);
- G.M. No. 582 MELISSA GIBO, for a term to expire 06-30-2024;
- G.M. No. 583 AMARA COON, for a term to expire 06-30-2024;
- G.M. No. 584 BATHEY FONG, for a term to expire 06-30-2024;
- G.M. No. 585 MICHELLE MURALT, for a term to expire 06-30-2024; and
- G.M. No. 586 DARWIN NAGAMINE, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Philip Ana, Kiriko Takahashi, Melissa Gibo, Amara Coon, Bathey Fong, Michelle Muralt, and Darwin Nagamine for service on the State Council on Developmental Disabilities.

Section 333E-4, Hawaii Revised Statutes, provides that members of the State Council on Developmental Disabilities shall include members of organizations that administer funds provided under federal law relating to individuals with disabilities, and that at least sixty percent of the members be individuals with developmental disabilities, or the parents, guardians, or immediate relatives of individuals with developmental disabilities.

PHILIP ANA

Your Committee received testimony in support of the nomination for the appointment of Philip Ana from State Council on Developmental Disabilities, Executive Office on Aging, and one individual.

Upon review of the testimony, your Committee finds that Mr. Ana has over thirty-five years of experience working for and with disabled and aging communities. He is currently a long term disability specialist in the Executive Office on Aging, and prior to that, Mr. Ana was an independent living specialist for the Hawaii Centers for Independent Living, where he served as outreach director, interim executive, deputy director, and Oahu care coordinator from 1989 to 2012. Mr. Ana earned his Bachelor's degree in human development from the University of Hawaii at Manoa. His appointment to the council fulfills the federal requirement for a representative from an organization that administers funds provided by the Older Americans Act of 1965. Your Committee notes that Mr. Ana's experience will allow him to assist the Council in addressing the development of policies for home and community-based approaches that cut across the aging and disabled populations. Your Committee therefore recommends that Mr. Ana be appointed to the State Council on Developmental Disabilities based on his knowledge, experience, and commitment to the aging and disabled communities.

KIRIKO TAKAHASHI

Your Committee received testimony in support of the nomination for the appointment of Kiriko Takahashi from the State Council on Developmental Disabilities, and sixteen individuals.

Upon review of the testimony, your Committee finds that Dr. Takahashi is the Interim Director of the Center on Disabilities Study at the University of Hawaii at Manoa and has worked in the field of disability studies for over twenty years. She previously served as an associate specialist at the Center on Disabilities Studies, project associate professor at the University of Tokyo, and disability specialist at Northwestern University. She earned her Doctor of Philosophy in education from the University of Hawaii at Manoa, Master's degree in learning disabilities from Northwestern University, and Bachelor's degree in speech and sociology from Northwestern University. Dr. Takahashi's appointment to the State Council on Developmental Disabilities would fulfill the federal requirement for a representative of the University Centers for Excellence in Developmental Disabilities Education, Research, and Service. Your Committee notes that Dr. Takahashi's expertise will keep the Council informed and updated on the best practices within the disability field at the state and federal levels. Your Committee therefore recommends that Dr. Takahashi be appointed to the State Council on Developmental Disabilities based on her experience, extensive knowledge in developmental research, and commitment to education.

MELISSA GIBO

Your Committee received testimony in support of the nomination for the appointment of Melissa Gibo from the State Council on Developmental Disabilities, Catholic Charities Hawai'i, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Gibo has worked within the disability field since 2003 and is currently the Director of Organizational Effectiveness for Catholic Charities Hawai'i. Prior to that, she served as Catholic Charities'

Program Director of Developmental Disabilities Waiver Services. In this position, she supervised the provision of developmental disabilities Medicaid waiver services. Ms. Gibo earned her Master's degree in social work from the University of Hawaii at Manoa and her Bachelor's degree in psychology and sociology from the University of Hawaii at Hilo. Her appointment to the State Council on Developmental Disabilities would fulfill the federal requirement for a representative of a non-profit organization concerned with services to individuals with developmental disabilities. Your Committee therefore recommends that Ms. Gibo be appointed to the State Council on Developmental Disabilities based on her experience in the field of developmental disabilities, commitment to better the lives of people with developmental disabilities, and constant pursuit to bring best practices to the groups that work with this population.

AMARA COON

Your Committee received testimony in support of the nomination for the appointment of Amanda Coon from the State Council on Developmental Disabilities and two individuals.

Upon review of the testimony, your Committee finds that Ms. Coon has an extensive background in community involvement and volunteerism. For three years, she assisted a hair salon on Kauai with arranging inventory, organizing work areas, and maintaining the business space. Ms. Coon is highly active in the community, participating in Special Olympics and being recognized as the Athlete of the Year as well as providing educational services to those unfamiliar with the event. Ms. Coon's appointment to the State Council on Disabilities would fulfill the federal requirement for representatives of individuals with disabilities. Your Committee also notes that Ms. Coon has attended multiple State Council on Developmental Disabilities meetings, and as a resident of Kauai, her perspective is indispensable to developing and implementing the Council's upcoming five-year state plan. Testifiers describe Ms. Coon as cheerful, engaging, caring, helpful, and hard working. Your Committee therefore recommends that Ms. Coon be appointed to the State Council on Developmental Disabilities based on her active participation in the community and dedication to public service.

BATHEY FONG

Your Committee received testimony in support of the nomination for the reappointment of Bathey Fong from the State Council on Developmental Disabilities and one individual.

Upon review of the testimony, your Committee finds that Ms. Fong is currently a member of the State Council on Developmental Disabilities and an assistant at the University of Hawaii Department of Disability Studies. She is also the President of the Hawaii Self Advocate Advisory Council, which teaches people with developmental disabilities to self-advocate and create change that will lead to their independence. In this capacity, Ms. Fong trains others to become educators for the Feeling Safe, Being Safe program. Ms. Fong's reappointment to the State Council on Developmental Disabilities would fulfill the federal requirement for representatives of individuals with developmental disabilities. Your Committee notes that Ms. Fong's perspective as a self-advocate is indispensable to developing and implementing the Council's upcoming five-year state plan. Testifiers describe Ms. Fong as hard working and a lifelong learner. Your Committee therefore recommends that Ms. Fong be reappointed to the State Council on Developmental Disabilities based on her active advocacy in the community on behalf of those with developmental disabilities.

MICHELLE MURALT

Your Committee received testimony in support of the nomination for the reappointment of Michelle Muralt from State Council on Developmental Disabilities and one individual.

Upon review of the testimony, your Committee finds that Ms. Muralt is currently a member of the State Council on Developmental Disabilities. She is also a member of the Hawaii Self-Advocacy Council where she has served as a trainer for the Feeling Safe Being Safe program and participated in the Oahu Community Emergency Preparedness Fair educating others on how to prepare a personal "Go Kit". Ms. Muralt's appointment to the State Council on Developmental Disabilities would fulfill the federal requirement for representatives of individuals with disabilities. Your Committee notes that her perspective as a self-advocate is indispensable to developing and implementing the Council's upcoming five-year state plan. Testifiers describe Ms. Muralt as a loyal volunteer. Your Committee therefore recommends that Ms. Muralt be reappointed to the State Council on Developmental Disabilities based on her active participation in the community on behalf of the developmental disability community.

DARWIN NAGAMINE

Your Committee received testimony in support of the nomination for the reappointment of Darwin Nagamine from the State Council on Developmental Disabilities and one individual.

Upon review of the testimony, your Committee finds that Mr. Nagamine is currently a member of the State Council on Developmental Disabilities, a member of the Hawaii Self-Advocacy Advisory Council, and a member of the East Hawaii Developmental Disabilities Committee. He is an active participant in the East Hawaii Disability Legislative Forum and has been the emcee and panel moderator who provides an opportunity for East Hawaii legislators to answer community questions. Mr. Nagamine has also served as co-chair of the Developmental Disabilities Council Transition and Employee committee. Mr. Nagamine's reappointment to the State Council on Developmental Disabilities would fulfill the federal requirement for representatives of individuals with developmental disabilities. Your Committee also finds that his perspective as a self-advocate as well as a legislative advocate is indispensable to developing and implementing the Council's upcoming five-year state plan. Your Committee therefore recommends that Mr. Nagamine be reappointed to the State Council on Developmental Disabilities based on his active participation in the community, legislative advocacy, and commitment to those with developmental disabilities.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1834 Health on Gov. Msg. No. 631

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF CERTIFICATION OF OPERATING PERSONNEL IN WASTEWATER TREATMENT PLANTS

G.M. No. 631 KEVIN NAKAMURA, for a term to expire 06-20-2024 (expiration date amended to 6-30-2024 by GM660)

Your Committee reviewed the personal history, resume, and statement submitted by Kevin Nakamura for service on the Board of Certification of Operating Personnel in Wastewater Treatment Plants.

Your Committee received testimony in support of the nomination for the appointment of Kevin Nakamura from the Department of Health.

Upon review of the testimony, your Committee finds that Mr. Nakamura's background, experience, and dedication to public service qualify him for appointment to the Board of Certification of Operating Personnel in Wastewater Treatment Plants. Mr. Nakamura currently works as an Operations Superintendent for Aqua Engineers at the Schofield Barracks Wastewater Treatment Plant where he is responsible for the overall management of the wastewater system, including the wastewater treatment plant, tributary pump stations, and collection system for the Schofield Barracks Military Base and Wheeler Army Airfield. He also previously served as a Wastewater Region Superintendent for the City and County of Honolulu's Department of Environmental Services, Wastewater Treatment Plant Supervisor IV, and Wastewater Treatment Plant Operator, where he was in charge of compliance with the facility's National Pollutant Discharge Elimination System permit, operations management, project prioritization, and capital improvement projects related to the facility. He has twenty-four years of wastewater experience and holds a Grade 4 wastewater treatment plant operator certification in the State. Therefore, your Committee finds that Mr. Nakamura has the experience, knowledge, and desire to contribute to the community and will be an asset to the Board of Certification of Operating Personnel in Wastewater Treatment Plants.

As affirmed by the record of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1835 Health on Gov. Msg. No. 640

Recommending that the Senate advise and consent to the nomination of the following:

HEALTH PLANNING COUNCIL, TRI-ISLE SUBAREA

G.M. No. 640 CAROL PETITH-ZBICIAK, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Carol Petith-Zbiciak for service on the Health Planning Council, Tri-Isle Subarea.

Your Committee received testimony in support of the nomination for the appointment of Carol Petith-Zbiciak from the State Health Planning and Development Agency.

Upon review of the testimony, your Committee finds that Dr. Petith-Zbiciak's background, experience, and dedication to public service qualify her for reappointment to the Health Planning Council, Tri-Isle Subarea. She is currently a retired nursing faculty member at the University of Hawaii Maui College and a family nurse practitioner with clinical experience in women's and pediatric health care at the Maui Community College Health Center. As a nurse, she has developed a patient care philosophy that focuses on universal access to evidence-based health care, provided in the motivational interviewing style, with an emphasis on health promotion, including the poor and the underserved. Dr. Petith-Zbiciak obtained her Masters in Nursing and Doctorate in Nursing Practice from the University of Hawaii at Manoa, where her academic studies focused on better meeting the health care services needed of homeless persons on Maui, increasing access to primary care services, reducing unnecessary emergency department visits, decreasing acute care hospital lengths of stay, and reducing costs. Dr. Petith-Zbiciak holds an advanced practice registered nurse Rx 405 certification and is a member of various professional organizations, such as the American Academy of Nurse Practitioners, American Nurses Association, Emergency Nurses Association, and Infusion Nurses Society. Therefore, your Committee recommends that based upon her experience, knowledge, and desire to contribute to the community, that Dr. Petith-Zbiciak be appointed to the Health Planning Council, Tri-Isle Subarea.

As affirmed by the record of votes of the members of your Committee on 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, 1 (Moriwaki).

SCRep. 1836 Health on Gov. Msg. No. 755

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. 755 KURT AKAMINE, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Kurt Akamine 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 Kurt Akamine from Hawaii Health Systems Corporation, Hawaii Health Systems Corporation Kauai Region, Grove Farm, and one individual.

Upon review of the testimony, your Committee finds that Mr. Akamine's experience in the health care industry, commitment to public service, and dedication to the health and wellness of the community qualify him for appointment to the Board of Directors of the Hawaii Health Systems Corporation. Mr. Akamine is the Vice President of Ohana Pacific Management Company, the parent company of Garden Isle Rehabilitation and Healthcare Center where, prior to becoming Vice President, he served as an administrator for thirteen years. Your Committee notes that Mr. Akamine's volunteer service includes serving as a past Board Chair for the Hawaii Health Systems Corporation Kauai region, Vice Chair for the Hawaii Long Term Care Association, and as a statewide review board member of the State Health Planning and Development Agency. Mr. Akamine earned his Bachelor of Arts degree from the University of Hawaii at Management Agency.

Your Committee further finds that Mr. Akamine's appointment satisfies the requirement that a representative reside on the island of Kauai. Mr. Akamine indicated in his personal statement that he has a strong sense of responsibility towards the island of Kauai and looks forward to carrying out the duties and responsibilities of a board member. Your Committee therefore recommends that Mr. Akamine be appointed to the Board of Directors of the Hawaii Health Systems Corporation based on his experience in the health care industry and commitment to the health and wellness of the community.

As affirmed by the records of votes of the members of your Committee on Health 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, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1837 Health on Gov. Msg. Nos. 641 and 642

Recommending that the Senate advise and consent to the nominations of the following:

HEALTH PLANNING COUNCIL, WEST OAHU SUBAREA

G.M. No. 641 CAMONIA GRAHAM-TUTT, for a term to expire 06-30-2024; and

G.M. No. 642 BEVERLY INOCENCIO, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Camonia Graham-Tutt and Beverly Inocencio for service on the Health Planning Council, West Oahu Subarea.

CAMONIA GRAHAM-TUTT

Your Committee received testimony in support of the nomination for the appointment of Camonia Graham-Tutt from the State Health Planning and Development Agency.

Upon review of the testimony, your Committee finds that Dr. Graham-Tutt's experience in the field of health education, commitment to public service, and dedication to educating the community in health and wellness, qualify her for appointment to the Health Planning Council West Oahu Subarea. Dr. Graham-Tutt is currently an assistant professor at the University of Hawaii-West Oahu and previously worked as a junior/senior researcher at the University of Hawaii Cancer Center where she developed health education programming for school-based settings. Your Committee notes that Dr. Graham-Tutt has been highly active professionally and as a member of the community. She is part of the Presidential Emerging Leaders Program at the University of Hawaii System, a member of the Board of Directors of the Hawaii Public Health Association, organizer of the Undergraduate Student Research Symposium at UH-West Oahu, and board secretary for the Susan G. Komen for the Cure, Hawaii Affiliate, among others. Dr. Graham-Tutt earned her Bachelor of Science in health science education and Master of Science in education from Baylor University, and Doctor of Philosophy in sociology from Howard University.

Your Committee therefore recommends that Dr. Graham-Tutt be appointed to the Health Planning Council, West Oahu Subarea based on her experience in health education and her commitment to improving the health and wellness of the community.

BEVERLY INOCENCIO

Your Committee received testimony in support of the nomination for the reappointment of Beverly Inocencio from the State Health Planning and Development Agency, The Queen's Health Systems, and four individuals.

Upon review of the testimony, your Committee finds that Dr. Inocencio's experience in the field of nursing, commitment to public service, and dedication to the health and wellness of the community qualify her for reappointment to the Health Planning Council, West Oahu Subarea. Dr. Inocencio is an acute care nurse practitioner at the Queen's Medical Center, was the High Reliability Organization/Safety and Joint Commission Officer at the United States Army Health Clinic at Schofield Barracks, and an adjunct faculty at the University of Hawaii School of Nursing. Your Committee notes that Dr. Inocencio has also contributed to a number of medical publications and is a member of several professional organizations and honor societies. She currently serves on the Health Planning Council, West Oahu Subarea, and therefore is familiar with the Council's work. Dr. Inocencio earned her Bachelor of Science in nursing from the University of San Francisco, Master of Arts in health services management from Webster University, Master of Science in Nursing from the University of Hawaii at Manoa, Doctor of Nursing Practice from the University of Texas Health Sciences Center, and Post-Master Certificates from Hawaii Pacific University and the University of Texas Health Sciences Center.

Your Committee therefore recommends that Dr. Inocencio be appointed to the Health Planning Council, West Oahu Subarea based on her experience in the nursing profession and her commitment the health and wellness of the community.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Moriwaki).

SCRep. 1838 Health on Gov. Msg. Nos. 763, 764, and 765

Recommending that the Senate advise and consent to the nominations of the following:

DISABILITY AND COMMUNICATION ACCESS BOARD

G.M. No. 763 NIKKI KEPOO, for a term to expire 06-30-2025;

G.M. No. 764 SUMMER KOZAI, for a term to expire 06-30-2025; and

G.M. No. 765 MARIE KIMMEY, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Nikki Kepoo, Summer Kozai, and Marie Kimmey for service on the Disability and Communication Access Board.

NIKKI KEPOO

Your Committee received testimony in support of the nomination for the reappointment of Nikki Kepoo from the Disability and Communication Access Board and one individual.

Upon review of the testimony, your Committee finds that Ms. Kepoo's experience as a parent of child who is deaf, commitment to public service, and dedication to language equality for children with special needs qualify her for reappointment to the Disability and Communication Access Board. Ms. Kepoo is currently the vice chairperson of the Disability and Communication Access Board and serves on its Executive Committee. Your Committee notes that Ms. Kepoo was instrumental in providing guidance in updating title 11, chapter 218, Hawaii Administrative Rules, entitled "Communication Access Services for Persons who are Deaf, Hard of Hearing, and Deaf-Blind". Ms. Kepoo has also been an advocate for the Language Equality and Acquisition for Deaf Kids initiative, a grassroots organization whose mission is to work towards kindergarten readiness for deaf and hard-of-hearing children by promoting access to both American Sign Language and English.

Your Committee further finds that Ms. Kepoo's reappointment to the Disability and Communication Access Board fulfills the requirement that a representative be a parent of a person with disabilities. Your Committee therefore recommends that Ms. Kepoo be reappointed to the Disability and Communication Access Board based on her experience in advocating for children with special needs and her commitment to equity for persons with disabilities.

SUMMER KOZAI

Your Committee received testimony in support of the nomination for the reappointment of Summer Kozai from the Disability and Communication Access Board and one individual.

Upon review of the testimony, your Committee finds that Ms. Kozai's experience as a person living with a mobility disability, commitment to public service, and dedication to the well-being and equal access for persons with disabilities qualify her for reappointment to the Disability and Communication Access Board. Ms. Kozai is an auditor for the federal government and a handler for her service dog, Trooper. Ms. Kozai currently serves on the Disability and Communication Access Board and is the chairperson of its Standing Committee on Parking. Your Committee notes that Ms. Kozai was instrumental in amending title 11, chapter 219, Hawaii Administrative Rules, entitled "Parking for Persons with Disabilities". Ms. Kozai earned her Bachelor of Arts degree in accounting and finance from Pacific University and Master of Science degree in accounting and business administration from Northeastern University.

Your Committee further finds that Ms. Kozai's reappointment to the Disability and Communication Access Board fulfills the requirement that a representative be a person living with a disability. Your Committee therefore recommends that Ms. Kozai be appointed to the Disability and Communication Access Board based on her experience as a person living with mobility disability and her commitment to ensuring equal access and a high quality of life for persons living with disabilities.

MARIE KIMMEY

Your Committee received testimony in support of the nomination for the reappointment of Marie Kimmey from the Disability and Communication Access Board.

Upon review of the testimony, your Committee finds that Ms. Kimmey's experience as an architect with knowledge of the Americans with Disabilities Act Accessibility Guidelines and commitment to public service qualify her for reappointment to the Disability and Communication Access Board. Ms. Kimmey is the principal architect for Kimmey Unabia Architects, Ltd. Ms. Kimmey has over fifty years of experience in the field of architecture. Ms. Kimmey currently serves on the Disability and Communication Access Board as the chairperson of its Standing Committee on Facility Access and is a member of the Board's Executive Committee. Your Committee notes that Ms. Kimmey has been involved in design projects for government entities that required knowledge of the Americans with Disability Act Accessibility Guidelines. Ms. Kimmey earned her Bachelor of Architecture degree from the University of Michigan.

Your Committee further finds that Ms. Kimmey's reappointment to the Disability and Communication Access Board fulfills the requirement that a representative be knowledgeable in areas for which the board has rulemaking authority. Your Committee therefore recommends that Ms. Kimmey be reappointed to the Disability and Communication Access Board based on her experience in architecture and her commitment to ensuring accessibility for persons with disabilities.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Moriwaki).

SCRep. 1839 Health on Gov. Msg. Nos. 587, 588, 589, 590, and 591

Recommending that the Senate advise and consent to the nominations of the following:

STATE COUNCIL ON MENTAL HEALTH

- $G.M.\ No.\ 587 \quad \ JENNIFER\ RENFRO, for a term to expire\ 06-30-2023;$
- G.M. No. 588 DINA KOYANAGI, for a term to expire 06-30-2023;
- G.M. No. 589 ANTONINO BENINATO, for a term to expire 06-30-2024;
- G.M. No. 590 KATHERINE AUMER, for a term to expire 06-30-2021; and
- G.M. No. 591 KATHERINE AUMER, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Jennifer Renfro, Dina Koyanagi, Antonino Beninato, and Katherine Aumer for service on the State Council on Mental Health.

JENNIFER RENFRO

Your Committee received testimony in support of the nomination for the appointment of Jennifer Renfro from the Department of Health

Upon review of the testimony, your Committee finds that Ms. Renfro's experience as an educator, commitment to public service, and demonstrated leadership abilities qualify her for appointment to the State Council on Mental Health. Your Committee notes that Ms. Renfro is currently the Administrator for the Student Support Section within the Department of Education that provides leadership and support to schools, focusing on preventive and developmentally-appropriate support and services, including interventions and strategies to address behavioral and academic needs. Prior to her current position, Ms. Renfro served over twenty-six years as a teacher, counselor, and campus administrator in multiple school districts and at the elementary, middle, and high school levels. She has also served in multiple leadership positions, ranging from District Committee Member for Dropout Prevention to Early College Start Campus Coordinator. Ms. Renfro earned her Bachelor's degree in elementary education from Stephen F. Austin State University and Master's degree in educational leadership from Lamar University.

Your Committee further finds that Ms. Renfro's appointment to the State Council on Mental Health fulfills the requirement under state and federal law for a representative from a principal state agency with respect to education. Your Committee therefore recommends that Ms. Renfro be appointed to the State Council on Mental Health based on her experience in education and her commitment to the future success of students.

DINA KOYANAGI

Your Committee received testimony in support of the nomination for the appointment of Dina Koyanagi from the Department of Health.

Upon review of the testimony, your Committee finds that Ms. Koyanagi's experience as a social worker, commitment to public service, and dedication to the well-being of children qualify her for appointment to the State Council on Mental Health. Your Committee notes that Ms. Koyanagi is currently a Section 1 administrator for Oahu Child Welfare Services in the Department of Human Services. Your Committee further notes that Ms. Koyanagi has worked for Child Protective Services and Child Welfare Services in the Department of Human Services for her entire thirty-year career. Due to her outstanding work, Ms. Koyanagi was awarded the National Association of Social Worker's Family and Child Welfare Social Worker of the Year in 1997. She also serves as a practicum instructor for students pursuing a Master's degree in social work. Ms. Koyanagi earned her Bachelor's degree in sociology and Master's degree in social work from the University of Hawaii at Manoa.

Your Committee further finds that Ms. Koyanagi's appointment to the State Council on Mental Health fulfills the requirement under state and federal law for a representative from the principal state agency with respect to social services. Your Committee therefore recommends that Ms. Koyanagi be appointed to the State Council on Mental Health based on her experience in social work and her commitment to protecting vulnerable children and supporting families in need of assistance.

ANTONINO BENINATO

Your Committee received testimony in support of the nomination for the appointment of Antonino Beninato from the Department of Health.

Upon review of the testimony, your Committee finds that Mr. Beninato's experience as a habilitation technician, commitment to public service, and commitment to exploring opportunities to connect with youths about topics related to mental health qualify him for appointment to the State Council on Mental Health. Mr. Beninato is currently a habilitation technician with Bayada, a home health care agency, in which he aids clients with disabilities to live safely at home and participate in their communities. Prior to that, Mr. Beninato served as a line cook at Hula Grill Waikiki. Your Committee notes that Mr. Beninato has volunteered with various charitable organizations, including the Oahu American Society for the Prevention of Cruelty to Animals, Manoa Summer Fun, and the University of Hawaii at Manoa lo'i patch clean up. Mr. Beninato earned his Bachelor's degree in psychology from the University of Hawaii at Manoa.

Your Committee further finds that Mr. Beninato's appointment to the State Council on Mental Health fulfills the requirement under both state and federal law for a representative who is a student or youth advocate. Your Committee therefore recommends that Mr. Beninato be appointed to the State Council on Mental Health based on his experience in working with persons with disabilities and his commitment to serving the community.

KATHERINE AUMER

Your Committee received testimony in support of the nominations for the appointment and reappointment of Katherine Aumer from the Department of Health.

Upon review of the testimony, your Committee finds that Dr. Aumer's experience as a professor of psychology, commitment to public service, and expertise in the field of psychology qualify her for appointment to the State Council on Mental Health. Dr. Aumer is currently an assistant professor of psychology at the University of Hawai'i, West Oahu. Prior to her current position, Dr. Aumer taught psychology at the collegiate level for over ten years. Your Committee notes that Dr. Aumer's work has been published in multiple books, textbooks, and journals. Further, Dr. Aumer also serves on the Graduate Curriculum Committee for and is a College of Liberal Arts Senator for Hawaii Pacific University. Dr. Aumer earned her Bachelor's degree in psychology from the University of Iowa and her Doctor of Philosophy in psychology from the University of Texas at Austin.

Your Committee further finds that Dr. Aumer's appointment to the State Council on Mental Health fulfills the requirement under both state and federal law for family members of adults or children whom the State Council on Mental Health aim to serve. Your Committee therefore recommends that Dr. Aumer be appointed and reappointed to the State Council on Mental Health based on her experience as an educator and her commitment to communities with behavioral health needs.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Moriwaki).

SCRep. 1840 Health on Gov. Msg. Nos. 632, 633, 754, 756, and 757

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DIRECTORS OF THE HAWAII HEALTH SYSTEMS CORPORATION

G.M. No. 632 JANE DIERENFIELD, for a term to expire 06-30-2021;

G.M. No. 633 JANE DIERENFIELD, for a term to expire 06-30-2025;

G.M. No. 754 DONNA MCCLEARY, for a term to expire 06-30-2025;

G.M. No. 756 KEVAN WONG, for a term to expire 06-30-2025; and

G.M. No. 757 DOUGLASS ADAMS, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Jane Dierenfield, Donna McCleary, Kevan Wong, and Douglass Adams for service on the Board of Directors of the Hawaii Health Systems Corporation.

JANE DIERENFIELD

Your Committee received testimony in support of the nominations for the appointment and reappointment of Jane Dierenfield from the Hawaii Health Systems Corporation.

Upon review of the testimony, your Committee finds that Ms. Dierenfield is a registered nurse who established and currently works for the Kona Ambulatory Surgery Center. She was previously a registered nurse for Kona Hospital and North Hawaii Community Hospital. Ms. Dierenfield was also a faculty member for the University of Hawaii Hilo School of Nursing. She obtained her Associate's degree in nursing and history from Pasadena City College, her Bachelor of Science in nursing from the University of Phoenix, and is currently enrolled in a Masters of Nursing program at the University of Hawaii. Ms. Dierenfield has dedicated her ife's work in healthcare to the West Hawaii community. She currently sits on the West Hawaii Regional Board of the Hawaii Health Systems Corporation. Your Committee therefore recommends that Ms. Dierenfield be appointed and reappointed to the Board of Directors of the Hawaii Health Systems Corporation based on her experience in nursing and her commitment to serving the West Hawaii region.

DONNA MCCLEARY

Your Committee received testimony in support of the nomination for the reappointment of Donna McCleary from the Hawaii Health Systems Corporation.

Upon review of the testimony, your Committee finds that Dr. McCleary is a retired pediatrician who served at the Wailuku Kaiser Clinic and Maui Memorial Hospital for thirty-seven years. Dr. McCleary is currently on the Hawaii Health Systems Corporation Board of Directors. In addition to her clinical practice, Dr. McCleary served in various leadership positions both with the Hawaii Permanente Medical Group and in the larger medical community. During this time, Dr. McCleary aided in expanding the Maui Kaiser delivery system, creating the physician component of the Kaiser delivery system in Kona, Hilo, and Waimea, and serving as medical director of Kaiser Med-QUEST. After retirement, Dr. McCleary continued serving on the board of directors of Hospice Maui and Hale Makua. She has also volunteered for the Maui Medical Response Team. She earned her medical degree from the Medical College of Pennsylvania and completed a pediatric residency at the Sinai Hospital in Baltimore, Maryland. Dr. McCleary indicated in her personal statement that her vision for the Hawaii Health Systems Corporation is to make medical and health care available to those communities not fully served by the private sector, primarily on the neighbor islands.

Your Committee therefore recommends that Dr. McCleary be reappointed to the Board of Directors of Hawaii Health Systems Corporation based on her extensive experience in health care, as well as her commitment to ensuring that underserved communities receive quality and affordable health care.

KEVAN WONG

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 two individuals.

Upon review of the testimony, your Committee finds that Mr. Wong is an attorney with the City and County of Honolulu, Office of the Managing Director. He currently serves on the Board of Directors of the Hawaii Health Systems Corporation. Previously, Mr. Wong served in various roles for the Hawaii State Legislature. He earned his Juris Doctorate from the University of Hawaii William S. Richardson School of Law and his Bachelor's degree in business administration management from Concordia University Irvine. Mr. Wong has keen interest in farm to school meal programs and can assist the Hawaii Health Systems Corporation to improve its food service efforts and his knowledge of county and state government operations offer valuable insight. Mr. Wong stated that his vision for the Hawaii Health Systems Corporation is to support the growing need for long term care services for Hawaii's most vulnerable kupuna.

Your Committee therefore recommends that Mr. Wong be appointed to the Board of Directors of Hawaii Health Systems Corporation based on his experience as a public servant as well as his commitment to community service.

DOUGLASS ADAMS

Your Committee received testimony in support of the nomination for the reappointment of Douglass Adams from the Hawaii Health Systems Corporation.

Upon review of the testimony, your Committee finds that Mr. Adams is an attorney who currently serves as the vice-chairman and director of W.H. Shipman, Ltd. Mr. Adams is also a serving member of the Board of Directors of the Hawaii Health Systems Corporation. Mr. Adams previously worked as an attorney in the private sector and as the vice president and chief financial officer for Sunrise Aloha, LLC. Prior to his career as an attorney, Mr. Adams had a distinguished career serving in the United States Army, retiring as a Lieutenant Colonel. During his time on the Board of Directors of the Hawaii Health Systems Corporation, Mr. Adams has assisted by navigating issues such as compliance, liability, and risk management. As Chair of Hawaii Health Systems Corporation Board's Finance and Information Systems committee, Mr. Adams provides leadership in the financial oversight of Hawaii Health Systems Corporation's financial planning, reporting, and monitoring internal controls. Mr. Adams indicated in his personal statement that he appreciates working with like-minded community servants on behalf of health care professionals. Your Committee therefore recommends that Mr. Adams be reappointed to the Board of Directors of the Hawaii Health Systems Corporation based on his experience as an attorney and prior service on the Board of Directors, as well as his commitment to public service.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1841 Health on Gov. Msg. Nos. 636, 637, 709, 710, and 711

Recommending that the Senate advise and consent to the nominations of the following:

EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

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G.M. No. 636 KYLE PERRY, for a term to expire 06-30-2021;
G.M. No. 637 KYLE PERRY, for a term to expire 06-30-2025;
G.M. No. 709 SEAN COVANT, for a term to expire 06-30-2023;
G.M. No. 710 MICHAEL HAYASHI, for a term to expire 06-30-2024; and
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G.M. No. 711 JACOB MINEI, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Kyle Perry, Sean Covant, Michael Hayashi, and Jacob Minei for service on the Emergency Medical Services Advisory Committee.

KYLE PERRY

Your Committee received testimony in support of the nominations for the appointment and reappointment of Kyle Perry from the Department of Health and The Queen's Medical Center.

Upon review of the testimony, your Committee finds that Dr. Perry's experience as an emergency room physician and commitment to public service and patient health and safety qualify him for appointment to the Emergency Medical Services Advisory Committee. Dr. Perry is currently an emergency medical physician with The Queen's Medical Center and the medical director for LifeSave KūPono, an aeromedical transport service. Dr. Perry also serves as an emergency medicine trauma liaison and an advanced trauma life support instructor for The Queen's Medical Center, and as an expert witness for the City and County of Honolulu. Your Committee notes that Dr. Perry also directs simulations of medical and trauma cases for paramedic students and teaches medical students at the University of Hawaii John A. Burns School of Medicine. Dr. Perry earned his Medical degree from Wayne State University School of Medicine and completed his residency at Detroit Medical Center/Wayne State University.

Your Committee further finds that Dr. Perry's reappointment to the Emergency Medical Services Advisory Committee fulfills the requirement for a representative who is a physician experienced in the conduct and delivery of emergency medical services who is also board-certified by the American Board of Emergency Medicine. Your Committee therefore recommends that Dr. Perry be reappointed to the Emergency Medical Services Advisory Committee based on his experience in emergency medicine and his commitment to the health and safety of the community.

SEAN COVANT

Your Committee received testimony in support of the nomination for the appointment of Sean Covant from the Department of Health

Upon review of the testimony, your Committee finds that Dr. Covant's experience as an emergency medicine physician and commitment to public service and patient health and safety qualify him for appointment to the Emergency Medical Services Advisory Committee. Dr. Covant is currently the medical director for the City & County of Honolulu Emergency Medical Services and a practicing emergency physician at multiple community hospitals on Oahu, Kauai, and Molokai. Prior to his current position, Dr. Covant served as an attending physician in Dallas, Texas, and as a professor of emergency medicine. Your Committee notes that Dr. Covant is also a veteran of the United States Navy and was a contributing author for a book about best practices in emergency care. Dr. Covant earned his Doctor of Osteopathy degree from New York College of Osteopathic Medicine and completed his residency at Maimonides Medical Center and a fellowship at the University of Texas Southwestern Medical Center.

Your Committee further finds that Dr. Covant's appointment to the Emergency Medical Services Advisory Committee fulfills the state requirement for a representative who is a physician experienced in the conduct and delivery of emergency medical services. Your Committee therefore recommends that Dr. Covant be appointed to the Emergency Medical Services Advisory Committee based on his experience in emergency medicine and his commitment to the health and safety of the community.

MICHAEL HAYASHI

Your Committee received testimony in support of the nomination for the reappointment of Michael Hayashi from the Department of Health

Upon review of the testimony, your Committee finds that Dr. Hayashi's experience as a board certified surgical intensivist and commitment to public service and patient health and safety qualify him for appointment to the Emergency Medical Services Advisory Committee. Dr. Hayashi is currently a member of the Emergency Medical Services Advisory Committee, the state trauma medical director, and a board certified surgical intensivist practicing at The Queen's Medical Center. Prior to his current positions, Dr. Hayashi served as a surgical intensivist for the University Clinical, Education and Research Associates (now University Health Partners of Hawaii) and a clinical professor at the University of Hawaii Department of Surgery. Your Committee notes that Dr. Hayashi is also a consultant to the Trauma Systems Committee, the chair of the Oahu Regional Trauma Advisory Committee, and a member of the Hawaii Trauma Advisory Committee. Dr. Hayashi earned his Medical degree from the University of Hawaii John A. Burns School of Medicine; completed his residency at the University of California, Irvine Department of Surgery; and completed his fellowship at the University of Hawaii Department of Surgery.

Your Committee further finds that Dr. Hayashi's appointment to the Emergency Medical Services Advisory Committee fulfills the state requirement that a representative be a physician experienced in the conduct and delivery of emergency medical services. Your Committee therefore recommends that Dr. Hayashi be appointed to the Emergency Medical Services Advisory Committee based on his experience in emergency medicine and his commitment to the health and safety of the community.

JACOB MINEI

Your Committee received testimony in support of the nomination for the appointment of Jacob Minei from the Department of Health

Upon review of the testimony, your Committee finds that Mr. Minei's experience as a firefighter, commitment to public service, and dedication to the health and safety of the community qualify him for appointment to the Emergency Medical Services Advisory Committee. Mr. Minei is currently a firefighter for the Kauai Fire Department. Your Committee notes that Mr. Minei is certified as a hazardous material awareness/operations technician and as a nationally registered emergency medical technician. Furthermore, Mr. Minei is the program coordinator for Stop the Bleed, an organization dedicated to making communities more resilient by better preparing the public to save the lives of those suffering from bleeding injury.

Your Committee further finds that Mr. Minei's appointment to the Emergency Medical Services Advisory Committee fulfills the state requirement that a representative be from an allied health profession related to emergency medical services. Your Committee therefore recommends Mr. Minei be appointed to the Emergency Medical Services Advisory Committee based on his experience emergency response and his commitment the health and safety of the community.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Moriwaki).

SCRep. 1842 Health on Gov. Msg. Nos. 638, 695, 696, and 708

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES

G.M. No. 638 ADAM GRATZ, for a term to expire 06-30-2024;

G.M. No. 695 ERIKA VARGAS, for a term to expire 06-30-2025;

G.M. No. 696 DIANA FELTON, for a term to expire 06-30-2025; and

G.M. No. 708 GREGORY TJAPKES, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Adam Gratz, Erika Vargas, Diana Felton, and Gregory Tjapkes for service on the Hawaii Advisory Commission on Drug Abuse and Controlled Substances.

ADAM GRATZ

Your Committee received testimony in support of the nomination for the appointment of Adam Gratz from the Department of Health.

Upon review of the testimony, your Committee finds that Dr. Gratz' background and proven leadership qualify him for appointment to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances. Dr. Gratz is a primary care physician in private practice who has served rural communities on Hawaii island for over fifteen years. He earned a Doctor of Osteopathy from Touro University in California, with an emphasis in neuromuscular-skeletal medicine. In addition, for more than a decade, Dr. Gratz has served as a health care consultant to a number of medical and technology-driven startups, bringing broad expertise to medical logistic and design challenges, and has also provided health care consulting to the Hawaii Medical Service Association to implement rural telehealth care delivery based on video chats and house calls. He is the owner of Mobile Doc, LLC, which conducts house calls for patients who need pain management and end of life care, and for those requiring medication-assisted treatment for opioids. Most recently, in 2020 when the coronavirus disease 2019 pandemic began, Dr. Gratz served as the site medical lead for a Project Baselines initiative to start drive-through testing sites in California. Your Committee therefore recommends that Dr. Gratz be appointed to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances based on his experience as a primary care physician and dedication to public service.

ERIKA VARGAS

Your Committee received testimony in support of the nomination for the appointment of Erika Vargas from the Department of Health and one individual.

Upon review of the testimony, your Committee finds that Ms. Vargas' experience, knowledge, and dedication to public service qualify her for appointment to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances. Ms. Vargas is the Manager of Adult Services at Hina Mauka, overseeing the operations of residential and outpatient services for patients with alcohol and substance use disorders, and where she also previously served as a clinical team leader and an intake coordinator. She received her Master in Social Work from Boston University. Besides her passion for promoting the social work profession, your Committee finds that she has a strong interest in community involvement, is active with the Aiea Community Association, served in a Latino re-entry program where she provided cultural services to reduce recidivism of offenders in recovery, and collected and analyzed data on homeless injection drug users in Puerto Rico. The appointment of Ms. Vargas will ensure representation of the community and business affairs segment in Commission deliberations. Your Committee therefore recommends that Ms. Vargas be appointed to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances based on her experience as a social worker and dedication to public service.

DIANA FELTON

Your Committee received testimony in support of the nomination for the appointment of Diana Felton from the Department of Health and one individual.

Upon review of the testimony, your Committee finds that Dr. Felton is currently the State Toxicologist with the Hawaii Department of Health Hazard Evaluation and Emergency Response Office, which is a division of the Hawaii Department of Health aimed at protecting human health and the environment from threats related to hazardous substances. Dr. Felton is board certified in Medical Toxicology and Emergency Medicine. She received her Bachelor's degree from the University of California, Berkeley, attended medical school at the University of California, Davis and completed her emergency medicine residency at Beth Israel Deaconess Medical Center in Boston, Massachusetts. She also completed her fellowship training at the Harvard Medical Toxicology Fellowship at Boston Children's Hospital and the Massachusetts and Rhode Island Poison Control Center. Your Committee notes that Dr. Felton is a proven leader and works with many state and community partners on issues such as childhood lead poisoning prevention, safe fish consumption, air pollution risks, pesticides, and other environmental health hazards. She also collaborates on poisoning prevention with the Hawaii Poison Center and has also served as a member of the Hawaii Advisory Committee on Drug Abuse and Controlled Substances since 2017. Your Committee therefore recommends that Dr. Felton be appointed to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances based on her experience as a physician in the field of toxicology and dedication to public service.

GREGORY TJAPKES

Your Committee received testimony in support of the nomination for the appointment of Gregory Tjapkes from the Department of Health, Hina Mauka, and Hawaii Youth Services Network.

Upon review of the testimony, your Committee finds that Mr. Tjapkes experience, knowledge, and dedication to public service qualify him for appointment to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances. Mr. Tjapkes is the Executive Director of the Coalition for a Drug-Free Hawaii, which serves Hawaii's children, families, and communities with programs that strengthen health, wellness, and resilience against drug and alcohol abuse. He has extensive experience working with disadvantaged communities and addressing difficult social issues. In particular, he specializes in substance abuse and with disadvantaged youth. Your Committee notes that Mr. Tjapkes is active in the community and is a proven leader, serving on a number of boards, including the advisory board of the Hawaii Partnership to Prevent Underage Drinking, Prevention Workgroup for the Hawaii Opioid Initiative, Hawaii Youth Services Network, and Hawaii Substance Abuse Coalition. Mr. Tjapkes earned a Master of Public

Administration from Grand Valley State University and a Bachelor's degree in psychology from Calvin College. He also completed the Weinberg Fellows Program in 2018. Your Committee therefore recommends that Mr. Tjapkes be appointed to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances based on his experience in the field of drug prevention and dedication to public service.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1843 Health on Gov. Msg. Nos. 648, 650, 651, and 652

Recommending that the Senate advise and consent to the nominations of the following:

LANGUAGE ACCESS ADVISORY COUNCIL

- G.M. No. 648 CARI UESUGI, for a term to expire 06-30-2024;
- G.M. No. 650 MARIA ARSUAGA, for a term to expire 06-30-2025;
- G.M. No. 651 TERRINA WONG, for a term to expire 06-30-2022; and
- G.M. No. 652 VALENTINA YAROVAYA, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Cari Uesugi, Maria Arsuaga, Terrina Wong, and Valentina Yarovaya for service on the Language Access Advisory Council.

CARI UESUGI

Your Committee received testimony in support of the nomination for the reappointment of Cari Uesugi from the Department of Human Services, Office of Language Access, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Uesugi's experience in the field of social work, commitment to public service and dedication to assisting others in navigating state systems qualify her for reappointment to the Language Access Advisory Council. Ms. Uesugi is currently the Limited English Proficiency project manager and coordinator for the Department of Human Services. She has over thirty years of experience as a social worker in diverse communities. Your Committee notes that Ms. Uesugi is currently serving on the Language Access Advisory Council and is familiar with the Council's work. Ms. Uesugi earned her Bachelor of Science degree in human development from the University of Hawaii at Manoa and Master's degree in counseling, marriage, and family therapy from the University of Phoenix.

Your Committee further finds that Ms. Uesugi's reappointment to the Language Access Advisory Council fulfills the requirement that a representative be from the state government. Ms. Uesugi indicated in her personal statement that she could contribute to the Office of Language Access' continuing efforts to provide oversight and central coordination to state agencies, as well as technical assistance to state and covered entities. Your Committee therefore recommends that Ms. Uesugi be reappointed to the Language Access Advisory Council based on her experience in the field of social work and her commitment to assisting others in navigating state systems.

MARIA ARSUAGA

Your Committee received testimony in support of the nomination for the reappointment of Maria Arsuaga from the Office of Language Access and three individuals.

Upon review of the testimony, your Committee finds that Ms. Arsuaga's experience as a Spanish language translator and interpreter, commitment to public service, and dedication to the professionalism of translators qualify her for reappointment to the Language Access Advisory Council. Ms. Arsuaga is currently a federally certified Spanish interpreter and a member of the National Association of Judicial Interpreters and Translators. Ms. Arsuaga has more than twenty years of experience in the interpreting and translating profession and has provided language services in financial, medical, and legal settings, among others. She has interpreted live televised debates, news events, and diplomatic summits for multiple United States presidents, senators, and foreign politicians. Your Committee notes that Ms. Arsuaga is currently serving on the Language Access Advisory Council and is familiar with the Council's work. Ms. Arsuaga earned her Bachelor of Arts degree in romance languages and Bachelor of Music degree in voice and opera performance from Oberlin College, certificate in English-Spanish translation from New York University, and certificate for court translation and interpretation from the University of Arizona.

Your Committee further finds that Ms. Arsuaga's reappointment to the Language Access Advisory Council fulfills the requirement that a representative be from a professional interpreter's organization. Ms. Arsuaga indicated in her personal statement that she hopes to guide the Office of Language Access on practical, technical, and ethical matters involving the use of interpretation and written translations for limited English proficient individuals. Your Committee therefore recommends that Ms. Arsuaga be reappointed to the Language Access Advisory Council based on her experience in language translation and her commitment translation and interpretation professionalism.

TERRINA WONG

Your Committee received testimony in support of the nomination for the reappointment of Terrina Wong from the Office of Language Access, Hawai'i Coalition for Immigrant Rights, and Kalihi Palama Health Center.

Upon review of the testimony, your Committee finds that Ms. Wong's experience in the field of immigration services, commitment to public service, and dedication to the well-being of vulnerable immigrants qualify her for reappointment to the Language Access

Advisory Council. Ms. Wong is currently the Interim Deputy Director and Director of Immigration Services at Pacific Gateway Center, a nonprofit organization whose goal is to empower low-income residents, immigrants, refugees, and other vulnerable populations to achieve self-sufficiency through skill-building and access to opportunities while respecting cultural heritages. In her position as Director of Immigration Services, Ms. Wong works with clients who have limited English proficiency. Additionally, Ms. Wong received the Spark of Hope Award of the Interfaith Alliance of Hawaii for her work with disenfranchised communities. Your Committee notes that Ms. Wong is currently serving as the Interim Chair of the Language Access Advisory Council and is familiar with the Council's work. Ms. Wong earned her Bachelor of Arts degree in French from Mills College and Master of Arts degree in education from the University of Hawaii at Manoa.

Your Committee further finds that Ms. Wong's appointment to the Language Access Advisory Council fulfills the requirement that a representative be from a bilingual referral service or program. Ms. Wong indicated in her personal statement that her priorities for the Language Access Advisory Council would be to ensure access to services by building capacity in language access in the State, ensuring advocacy and equity at all levels, and developing ways to acquire data for effective decision-making. Your Committee therefore recommends that Ms. Wong be reappointed to the Language Access Advisory Council based on her experience in immigration services and her commitment to aiding disenfranchised communities.

VALENTINA YAROVAYA

Your Committee received testimony in support of the nomination for the reappointment of Valentina Yarovaya from the Office of Language Access.

Upon review of the testimony, your Committee finds that Ms. Yarovaya's experience as a special education teacher, commitment to public service, and dedication to language education qualify her for reappointment to the Language Access Advisory Council. Ms. Yarovaya is a retired special education teacher who taught total communication classes for deaf and hard of hearing students as well as special education classes. Ms. Yarovaya has years of experience teaching children and adults with disabilities and promoting the accessibility guidelines of the Americans with Disabilities Act. Your Committee notes that Ms. Yarovaya is currently serving on Language Access Advisory Council as an at large member and is familiar with the Council's work. Ms. Yarovaya earned her Master of Science degree in special education from Adelphi University and completed a Bilingual Advanced Certificate Program in special Education from Touro College.

Your Committee further finds that Ms. Yarovaya's reappointment to the Language Access Advisory Council fulfills the requirement that a representative be a member-at-large. Ms. Yarovaya indicated in her personal statement that her goal for the Language Access Advisory Council is to improve access for limited English-speaking persons and assist anyone in the community who needs services and language resources. Your Committee therefore recommends that Ms. Yarovaya be reappointed to the Language Access Advisory Council based on her experience in language education and her commitment to meeting the needs of limited English-speaking persons.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Moriwaki).

SCRep. 1844 Health on Gov. Msg. Nos. 653 and 658

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. 653 RICHARD JACKSON, for a term to expire 06-30-2024; and

G.M. No. 658 JACQUELYN ESSER, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Richard Jackson and Jacquelyn Esser for service on the Mental Health and Substance Abuse, Oahu Service Area Board.

RICHARD JACKSON

Your Committee received testimony in support of the nomination for the appointment of Richard Jackson from the Behavioral Health Administration.

Upon review of the testimony, your Committee finds that Mr. Jackson's experience in volunteer work, commitment to public service, and dedication to the well-being and health of people living with mental illness qualify him for appointment to the Mental Health and Substance Abuse, Oahu Service Area Board. Your Committee notes that Mr. Jackson is passionate about volunteering in his community. For example, he volunteered with National Oceanic and Atmospheric Administration's National Weather Service Pacific Region Headquarters before being hired as an employee, retiring with twenty-five years of service. During that time, he dedicated years of service as a volunteer with CrimeStoppers Honolulu. Currently, Mr. Jackson volunteers with the Hawaii Air Force Association at Joint Base Pearl Harbor Hickam.

Your Committee further finds that Mr. Jackson meets the requirement that a representative be a mental health service recipient. Your Committee therefore recommends that Mr. Jackson be appointed to the Mental Health and Substance Abuse, Oahu Service Area Board based on his experience in volunteerism and his commitment to the health and well-being of those living with mental illness.

JACOUELYN ESSER

Your Committee received testimony in support of the nomination for the appointment of Jacquelyn Esser from the Behavioral Health Administration, Hawai'i Health & Harm Reduction Center, and four individuals.

Upon review of the testimony, your Committee finds that Ms. Esser's experience as a public defender, commitment to public service, and dedication to the health and well-being for those living with mental illness qualify her for appointment to the Mental Health and Substance Abuse, Oahu Service Area Board. Ms. Esser is currently a public defender whose clients often live with a mental illness or substance use disorder. Your Committee notes that Ms. Esser recently ran for the office of Honolulu Prosecuting Attorney on a platform that emphasized the importance of addressing mental illness and substance abuse as public health issues instead of criminal justice issues. Ms. Esser earned her Bachelor of Business Administration and Juris Doctorate from the University of Hawaii at Manoa.

Your Committee further finds that Ms. Esser meets the requirement that a representative be a family member of a mental health service recipient. Your Committee therefore recommends that Ms. Esser be appointed to the Mental Health and Substance Abuse, Oahu Service Area Board based on her experience as a public defender and her commitment to the health and well-being of those living with mental illness.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1845 Health on Gov. Msg. Nos. 643 and 644

Recommending that the Senate advise and consent to the nominations of the following:

MENTAL HEALTH AND SUBSTANCE ABUSE, HAWAI'I SERVICE AREA BOARD

G.M. No. 643 ALYSA LAVOIE, for a term to expire 06-30-2023; and

G.M. No. 644 JOHN BETLACH, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Alysa Lavoie and John Betlach for service on the Mental Health and Substance Abuse, Hawai'i Service Area Board.

ALYSA LAVOIE

Your Committee received testimony in support of the nomination for the appointment of Alysa Lavoie from the Department of Health and one individual.

Upon review of the testimony, your Committee finds that Ms. Lavoie's experience in the field of social work, commitment to public service, and dedication to the health and wellness of those living with mental health or substance abuse issues qualify her for appointment to the Mental Health and Substance Abuse, Hawai'i Service Area Board. Ms. Lavoie is an experienced behavioral health program manager working with the West Hawaii Community Health Center to implement community-based behavioral health related programs and services. Ms. Lavoie has professional experience as a facilitator and member of various committees such as the Mayor's Homeless Task Force, Keiki Coalition, and the Hawaii Primary Care Association. Your Committee notes that Ms. Lavoie also volunteers to assist with homeless outreach efforts in her community. Ms. Lavoie earned her Bachelor of Arts in psychology from Keene State College and Masters in Social Work from the University of Hawaii at Manoa.

Your Committee further finds that Ms. Lavoie's appointment to the Mental Health and Substance Abuse, Hawai'i Service Area Board fulfills the requirement that representatives be service area residents who are consumers or nonproviders of mental health services. Your Committee therefore recommends that Ms. Lavoie be appointed to the Mental Health and Substance Abuse, Hawai'i Service Area Board based on her experience in social work and her commitment to helping those with mental health or substance abuse issues.

JOHN BETLACH

Your Committee received testimony in support of the nomination for the appointment of John Betlach from the Department of

Upon review of the testimony, your Committee finds that Mr. Betlach's experience as a clinical professional, commitment to public service, and dedication to the health and wellness of those living with mental health or substance abuse issues qualify him for appointment to the Mental Health and Substance Abuse, Hawai'i Service Area Board. Mr. Betlach is an experienced clinical professional having provided direct care, treatment, intervention, case management, and counseling in both inpatient and outpatient settings. Your Committee notes that Mr. Betlach has a commitment to volunteering, having previously worked with the disability committee for Hawaii county, Kona Theater Preservation Society, and the Institute for Family Enrichment. Mr. Betlach earned his Bachelor of Arts in Psychology from San Francisco State University.

Your Committee further finds that Mr. Betlach's appointment to the Mental Health and Substance Abuse, Hawai'i Service Area Board fulfills the requirement that a representative be a mental health stakeholder or community member. Your Committee therefore recommends that Mr. Betlach be appointed to the Mental Health and Substance Abuse, Hawai'i Service Area Board based on his experience as a clinical professional and his commitment to community service.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1846 Health on Gov. Msg. No. 561

Recommending that the Senate advise and consent to the nomination of the following:

HEALTH PLANNING COUNCIL, HONOLULU SUBAREA

G.M. No. 561 TORI CARAPELHO, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Tori Carapelho for service on the Health Planning Council, Honolulu Subarea.

Your Committee received testimony in support of the nomination for the appointment of Tori Carapelho from the State Health Planning and Development Agency, Hawaii Medical Service Association, and three individuals.

Upon review of the testimony, your Committee finds that Ms. Carapelho's experience in the health care industry, commitment to public service, and dedication to the health and wellness of the community qualify her for appointment to the Health Planning Council, Honolulu Subarea. Ms. Carapelho is currently president and Chief Executive Officer of Navian Hawaii (formerly Hospice Hawaii) after serving as its Director of Marketing Development and Chief Strategy Officer. Prior to joining Hospice Hawaii, Ms. Carapelho served as vice president for business development for Hawaii Pacific Entertainment, account manager for Destination Marketing Hawaii, and account manager for KHON-2 Television. Your Committee notes that Ms. Carapelho serves as a member of the board of directors of Kokua Mau, member of the hospice leadership committee of the Healthcare Association of Hawaii, member of the council of states of the National Hospice & Palliative Care Association, member of the steering committee of Ad Up Hawaii, and treasurer of the American Advertising Federation-D13. Ms. Carapelho earned her Bachelor of Arts in communication from the University of Hawaii at Manoa and Master's degree in business administration at Hawaii Pacific University.

Your Committee therefore recommends that Ms. Carapelho be appointed to the Health Planning Council, Honolulu Subarea based on her experience in the health care industry and commitment to the health and wellness of the community.

As affirmed by the record of votes of the members of your Committee on 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, 1 (Moriwaki).

SCRep. 1847 Health on Gov. Msg. No. 579

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF CERTIFICATION OF PUBLIC WATER SYSTEM OPERATORS

G.M. No. 579 JAMES LANDGRAF, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by James Landgraf for service on the Board of Certification of Public Water System Operators.

Your Committee received testimony in support of the nomination for the appointment of James Landgraf from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Mr. Landgraf's experience in the field of water systems operations, commitment to public service, and dedication to providing safe and clean drinking water qualify him for appointment to the Board of Certification of Public Water System Operators. Mr. Landgraf is currently employed by the County of Maui Department of Water Supply and JN Construction Inc., both of which provide services in maintaining drinking water systems and treatment plants. At the County of Maui, Mr. Landgraf is responsible for the daily operations of the most complex surface water treatment facilities in the State. Your Committee notes that Mr. Landgraf possesses both a Water Treatment Plant Operator and Distribution System Operator certification at the highest grade level of 4. Mr. Landgraf earned his Associate of Science in heavy equipment repair from Honolulu Community College and attended Washington State University where he studied Civil Engineering.

Your Committee further finds that Mr. Landgraf meets the requirement that a representative be an individual who is duly qualified in the fields of sanitary engineering or public water system operation. Your Committee therefore recommends that Mr. Landgraf be appointed to the Board of Certification of Public Water System Operators based on his experience in water sanitation and commitment to providing safe and clean water to the community.

As affirmed by the record of votes of the members of your Committee on 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, 1 (Moriwaki).

SCRep. 1848 Health on Gov. Msg. No. 639

Recommending that the Senate advise and consent to the nomination of the following:

HEALTH PLANNING COUNCIL, KAUAI SUBAREA

G.M. No. 639 NICHOLAS PANANGANAN, for a term to expire 06-20-2022 (expiration date amended to 6-30-2022 by GM661)

Your Committee reviewed the personal history, resume, and statement submitted by Nicholas Pananganan for service on the Health Planning Council, Kauai Subarea.

Your Committee received testimony in support of the nomination for the appointment of Mr. Pananganan from the State Health Planning and Development Agency; Health Planning Council, Kauai Subarea; Waimea High School; Kauai Fire Department; and one individual.

Upon review of the testimony, your Committee finds that Mr. Pananganan's experience working in emergency services, commitment to public service, and dedication to the health and wellness of the community qualify him for appointment to the Health Planning Council, Kauai Subarea. Mr. Pananganan is currently the Kauai Fire Department Emergency Medical Services program director and has various certifications as a hazardous materials technician, National Registry EMT, and CPR/Basic Life Support instructor from the American Heart Association. Your Committee notes that Mr. Pananganan serves his community as a self-defense instructor, jiu-jitsu instructor, basketball coach, American Youth Soccer Organization soccer coach, Kauai Interscholastic Federation wrestling and bowling coach, and Waimea High School Health Academy guest instructor and speaker. Mr. Pananganan earned his Associate in Arts from the University of Hawaii-Kauai Community College.

Your Committee therefore recommends that Mr. Pananganan be appointed to the Health Planning Council, Kauai Subarea based on his experience working in emergency services and commitment to the health and wellness of the community.

As affirmed by the records of votes of the members of your Committee on Health 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, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1849 Health on Gov. Msg. No. 646

Recommending that the Senate advise and consent to the nomination of the following:

MENTAL HEALTH AND SUBSTANCE ABUSE, MAUI SERVICE AREA BOARD

G.M. No. 646 TARA REED, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Tara Reed for service on the Mental Health and Substance Abuse, Maui Service Area Board.

Your Committee received testimony in support of the nomination for the reappointment of Tara Reed from the Department of Health and one individual.

Upon review of the testimony, your Committee finds that Ms. Reed's experience, knowledge, and desire to serve qualify her to be nominated for reappointment to the Mental Health and Substance Abuse, Maui Service Area Board as a service area resident who is a consumer or non-provider of mental health services. Ms. Reed earned her Bachelor's degree in social work from the University of Hawaii at Manoa and has completed substantial course work towards a Master's degree in forensic psychology from Argosy University. Previously, she has worked as a primary counselor for the Po'ailani Dual Diagnosis Facility from 2009 to 2011 and as a residential counselor with the Salvation Army Adult Treatment Services from 2001 to 2009. Your Committee further finds that Ms. Reed has served on the Mental Health and Substance Abuse, Maui Service Area Board since 2018 and that she has a thorough understanding of the roles and responsibilities of its members. Your Committee notes that Ms. Reed has unique experience as a past provider and past consumer of substance use services and that her experience and awareness of issues pertaining to the substance use community continues to enhance the effectiveness of the Mental Health and Substance Abuse, Maui Service Area Board. Your Committee therefore recommends that Tara Reed be reappointed to the Mental Health and Substance Abuse, Maui Service Area Board based on her experience, knowledge, and desire to serve the public.

As affirmed by the record of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1850 Health on Gov. Msg. No. 647

Recommending that the Senate advise and consent to the nomination of the following:

HEALTH PLANNING COUNCIL, WINDWARD OAHU SUBAREA

G.M. No. 647 JUDY FOMIN, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Judy Fomin for service on the Health Planning Council, Windward Oahu Subarea.

Your Committee received testimony in support of the nomination for the reappointment of Judy Fomin from the State Health Planning and Development Agency.

Upon review of the testimony, your Committee finds that Ms. Fomin's experience working with victims of domestic violence, commitment to public service, and dedication to the health and wellness of the community qualify her for reappointment to the Health Planning Council, Windward Oahu Subarea. Ms. Fomin worked in the field of domestic violence for several years, first as a volunteer with the San Mateo Battered Women's Center, then as the Shelter Director where she established criteria for employees, volunteers, and residents of the shelter. Your Committee notes that Ms. Fomin has been an active member of the community, serving as Vice President and then President of the Sunset Beach Community Association. Ms. Fomin earned her Master of Science degree in psychology from John F. Kennedy University.

Your Committee notes that Ms. Fomin currently serves on the Health Planning Council, Windward Oahu Subarea and therefore is familiar with its work. Your Committee therefore recommends that Ms. Fomin be reappointed to the Health Planning Council, Windward Oahu Subarea based on her experience working with victims of domestic violence and commitment to the health and wellness of the community.

As affirmed by the records of votes of the members of your Committee on Health 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, 4. Noes, none. Excused, 1 (Moriwaki).

SCRep. 1851 Health on Gov. Msg. No. 707

Recommending that the Senate advise and consent to the nomination of the following:

POLICY ADVISORY BOARD FOR ELDER AFFAIRS

G.M. No. 707 RICKI TABOR, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Ricki Tabor for service on the Policy Advisory Board for Elder Affairs.

Your Committee received testimony in support of the nomination for the appointment of Ricki Tabor from the Executive Office on Aging; Alzheimer's Association, Aloha Chapter; and nine individuals.

Upon review of the testimony, your Committee finds that Mr. Tabor's experience in the field of mental health, commitment to public service, and dedication to serving vulnerable populations qualify him for appointment to the Policy Advisory Board for Elder Affairs. Mr. Tabor is currently the community development director for Generations Magazine, a Hawaii publication that serves as a resource for the State's kupuna. Prior to his current position, Mr. Tabor worked in the mental health field at the Kaneohe Medical Clinic, as a counselor at the Hale Kipa Youth Shelter, a Parent Counselor at a group home for individuals with developmental disabilities with Responsive Caregivers of Hawaii, and as a Family Counselor at a vocational program for autistic adults at the Special Education Center of Hawaii. Your Committee notes that Mr. Tabor is an active volunteer and member in various community organizations and advocacy groups, including: Club 100, Alzheimer's Association, Kupuna Caucus, Compassion and Choice, and Palama Settlement. Mr. Tabor earned his Bachelor of Arts in psychology from Chaminade University and Master of Science in counseling psychology from the University of Oregon.

Your Committee further finds that Mr. Tabor meets the requirement that a representative be selected on the basis of their interests and knowledge in and their ability to make contributions to the solution of problems related to aging. Your Committee therefore recommends that Mr. Tabor be appointed to the Policy Advisory Board for Elder Affairs based on his knowledge in the mental health field, extensive work experience in serving vulnerable populations, and dedication to contributing to community organizations advocacy groups.

As affirmed by the record of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1852 Health on Gov. Msg. No. 813

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. 813 LESLIE KIMURA, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Leslie Kimura 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 Leslie Kimura from the Hawaii Health Systems Corporation, Hawaii Health Systems Corporation East Hawaii Region, University of Hawaiii System, Community First, KTA Super Stores, and nine individuals.

Upon review of the testimony, your Committee finds that Ms. Kimura's experience as a business leader, commitment to public service and dedication to the health and wellness of underserved communities qualify her for appointment to the Board of Directors of the Hawaii Health Systems Corporation. Ms. Kimura is currently the Executive Director of the 'Imiloa Astronomy Center. In this position, Ms. Kimura has prioritized bringing the history, cultural values, and the important perspective of Kānaka Maoli into the forefront of innovation in astronomy education and space exploration. Your Committee notes that Ms. Kimura is a leader in the community, having held Executive positions on the Japanese Chamber of Commerce, Hawaii Island Chamber of Commerce, Big Island Visitors Bureau, Hawaii Island Workforce and Economic Development 'Ohana, University of Hawaii at Hilo Alumni Relations, and 'Aha Pūnana Leo. Ms. Kimura earned her Bachelor of Arts degree in Hawaiian Studies and Master of Arts in Hawaiian Language and Literature from the University of Hawaii at Hilo and is currently a doctoral candidate at the University of Hawaii at Hilo.

Your Committee further finds that Ms. Kimura meets the requirement that a representative reside in the Eastern section of Hawaii County. Ms. Kimura indicated in her personal statement that her vision for the Board of Directors of the Hawaii Health Systems Corporation is to ensure that each region operates to fulfill their missions in serving all, but especially those that may not be able to

afford health care. Your Committee therefore recommends that Ms. Kimura be appointed to the Board of Directors of the Hawaii Health Systems Corporation based on her experience and leadership in the community and commitment to the health and wellness of underserved communities.

As affirmed by the record of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1853 Health on Gov. Msg. Nos. 654 and 655

Recommending that the Senate advise and consent to the nominations of the following:

MENTAL HEALTH AND SUBSTANCE ABUSE, KAUAI SERVICE AREA BOARD

G.M. No. 654 ANGELA UECHI, for a term to expire 06-30-2024; and

G.M. No. 655 KEVIN MYRICK, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Angela Uechi and Kevin Myrick for service on the Mental Health and Substance Abuse, Kauai Service Area Board.

ANGELA UECHI

Your Committee received testimony in support of the nomination for the appointment of Angela Uechi from the Behavioral Health Administration.

Upon review of the testimony, your Committee finds that Ms. Uechi's experience working in the field of mental health, commitment to public service, and dedication to the health and well-being of those with mental illness qualify her for appointment to the Mental Health and Substance Abuse, Kauai Service Area Board. Ms. Uechi is employed by Mental Health Kokua as a Relief Resident Assistant and is also employed as a personal assistant. Your Committee notes that Ms. Uechi has been a member of Friendship House clubhouse for almost ten years and has served as a member of the Friendship House Board of Directors. Ms. Uechi earned her Bachelor of Arts in linguistics from California State University.

Your Committee further finds that Ms. Uechi meets the requirement that a representative be a recipient of mental health services. Your Committee therefore recommends that Ms. Uechi be appointed to the Mental Health and Substance Abuse, Kauai Service Area Board based on her experience in the field of mental health and commitment to the health and well-being of those living with mental illness.

KEVIN MYRICK

Your Committee received testimony in support of the nomination for the appointment of Kevin Myrick from the Behavioral Health Administration.

Upon review of the testimony, your Committee finds that Mr. Myrick's experience in the field of health care, commitment to public service, and dedication to the health and well-being of those with mental illness qualify him for appointment to the Mental Health and Substance Abuse, Kauai Service Area Board. Mr. Myrick is a health care professional and advocate for mental health service recipients. Your Committee notes that he has over ten years of experience in nursing management and over twenty-four years of clinical nursing experience. Mr. Myrick earned his Associate's degree in nursing from the University of the State of New York and Bachelor of Science and Master of Science in health care management from Excelsior College.

Your Committee further finds that Mr. Myrick meets the requirement that a representative be a service area provider. Your Committee therefore recommends that Mr. Myrick be appointed to the Mental Health and Substance Abuse, Kauai Service Area Board based on his experience in health care and commitment to the health and well-being of those living with mental illness.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Fevella).

SCRep. 1854 Health on Gov. Msg. Nos. 701, 702, 703, 704, and 705

Recommending that the Senate advise and consent to the nominations of the following:

POLICY ADVISORY BOARD FOR ELDER AFFAIRS

G.M. No. 701 BEVERLY GOTELLI, for a term to expire 06-30-2025;

G.M. No. 702 STEPHEN LUNG, for a term to expire 06-30-2025;

G.M. No. 703 RAELENE TENNO, for a term to expire 06-30-2025;

G.M. No. 704 KEALOHAKU'UALOHAKU'UPOKI'I BALAZ, for a term to expire 06-30-2024; and

G.M. No. 705 LESLIE TANOUE, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Beverly Gotelli, Stephen Lung, Raelene Tenno, Kealohakuʻualohakuʻupokiʻi Balaz, and Leslie Tanoue for service on the Policy Advisory Board for Elder Affairs.

BEVERLY GOTELLI

Your Committee received testimony in support of the nomination for the reappointment of Beverly Gotelli from the Executive Office on Aging and two individuals.

Upon review of the testimony, your Committee finds that Ms. Gotelli's experience as teacher, commitment to public service, and dedication to the well-being of the elderly and retired community qualify her for reappointment to the Policy Advisory Board for Elder Affairs. Ms. Gotelli is a retired teacher with twenty-nine years of service with the Department of Education. Your Committee notes that, in her retirement, Ms. Gotelli currently serves as the President of the Hawaii State Teachers Association-Retired, which has a membership of almost six thousand members, and is committed to promoting the health and well-being of retired teachers. She also volunteers with the Kauai Museum and Kauai Historical Society and is a member of a quilt guild that makes hand-made quilts to donate to charitable organizations. Ms. Gotelli earned her Bachelor of Science degree from Chaminade University.

Your Committee further finds that Ms. Gotelli's appointment to the Policy Advisory Board for Elder Affairs fulfills the requirement that a representative be from the island of Kauai. Your Committee therefore recommends that Ms. Gotelli be appointed to the Policy Advisory Board for Elder Affairs based on her experience in teaching and her commitment to the well-being of elderly and retired individuals.

STEPHEN LUNG

Your Committee received testimony in support of the nomination for the appointment of Stephen Lung from the Executive Office on Aging.

Upon review of the testimony, your Committee finds that Mr. Lung's experience in the insurance industry, commitment to public service, and dedication to the well-being of the elderly and retired community, qualify him for appointment to the Policy Advisory Board for Elder Affairs. Mr. Lung is a retired insurance industry executive, having worked for Hawaii Medical Service Association for thirty-eight years. Your Committee notes that Mr. Lung has been an active and dedicated volunteer with the Hawaii State Health Insurance Assistance Program for many years. Your Committee also notes that Mr. Lung has been a crucial component to the Hawaii State Health Insurance Assistance Program's growth by providing necessary feedback and suggestions and acting as a lead trainer for volunteers. Mr. Lung earned his Bachelor's degree in business from the University of Hawaii at Manoa.

Your Committee further finds that Mr. Lung meets the requirement that representatives be able to make contributions to the solution of problems relating to aging. Your Committee therefore recommends that Mr. Lung be appointed to the Policy Advisory Board for Elder Affairs based on his experience in the insurance industry and his commitment to the well-being of the elderly and retired community.

RAELENE TENNO

Your Committee received testimony in support of the nomination for the appointment of Raelene Tenno from the Executive Office on Aging, Hawaii Council of Community Associations, and six individuals.

Upon review of the testimony, your Committee finds that Ms. Tenno's experience in the housing industry, commitment to public service, and dedication to the well-being of condominium residents, qualify her for appointment to the Policy Advisory Board for Elder Affairs. Ms. Tenno is currently a mortgage loan originator and mortgage loan instructor. Your Committee notes that Ms. Tenno has served for twenty-eight years on the Board of Directors for the Hawaii Council of Community Associations, an organization that serves to educate Hawaii condo board members of their duties and responsibilities. Recently, Ms. Tenno has co-hosted a YouTube educational show for the Hawaii Council of Community Associations, which has focused on "aging in place" in order to provide condo boards with guidance so that they can provide a safe and healthy environment for seniors living in their buildings. Ms. Tenno earned her Associate of Arts degree in Fashion Design from the Fashion Institute of Design and Merchandising in Los Angeles, California.

Your Committee further finds that Ms. Tenno meets the requirement that representatives be able to make contributions to the solution of problems relating to aging. Your Committee therefore recommends that Ms. Tenno be appointed to the Policy Advisory Board for Elder Affairs based on her experience in the housing industry and her commitment to the health of elderly condominium residents.

KEALOHAKU'UALOHAKU'UPOKI'I BALAZ

Your Committee received testimony in support of the nomination for the appointment of Kealohaku'ualohaku'upoki'i Balaz from the Executive Office on Aging and Aloha 'Āina Party.

Upon review of the testimony, your Committee finds that Dr. Balaz's experience in the health care industry, commitment to public service, and dedication to the health and well-being of the elderly community qualify her for appointment to the Policy Advisory Board for Elder Affairs. Dr. Balaz is currently the Interim Executive Director at the Lunalilo Nursing Home and the Grace Project, Coordinator for Kokua Kalihi Valley Health Center, and an adjunct faculty member at Chaminade University. She facilitates the Resources Enhancing Alzheimer's Caregiver Health program and is also a master trainer for the Savvy Caregiver program for caregivers. Prior to her current positions, Dr. Balaz served as a registered nurse and nurse practitioner at various medical facilities. Your Committee notes that Dr. Balaz has given many presentations on dementia and aging, and was spotlighted by the Chamber of Commerce, Hawaii Business Magazine, and the Alzheimer's Association. Dr. Balaz earned her Bachelor's degree in nursing from the University of Hawaii at Manoa, Master of Science in Nursing Education from Oklahoma University, Doctor of Nursing Practice as a family nurse practitioner from the University of Hawaii at Hilo, and Executive Master of Business Education from the Shidler College of Business.

Your Committee further finds that Dr. Balaz meets the requirement that representatives be able to make contributions to the solution of problems relating to aging. Your Committee therefore recommends that Dr. Balaz be appointed to the Policy Advisory Board for

Elder Affairs based on her experience in health care and her commitment to the health and well-being of those living with dementia and the aging community.

LESLIE TANOUE

Your Committee received testimony in support of the nomination for the appointment of Leslie Tanoue from the Executive Office on Aging.

Upon review of the testimony, your Committee finds that Ms. Tanoue's experience working in the field of aging, commitment to public service, and dedication to the well-being of the elderly and retired community, qualify her for appointment to the Policy Advisory Board for Elder Affairs. Ms. Tanoue is currently the Director of the Kumu Kahi Department at Alu Like, Inc. where she directs the planning, implementation, and evaluation of the elderly services department. Prior to her current position, Ms. Tanoue served in various capacities with Alu Like, Inc., in which she developed and managed programs for elderly adults in the State. Your Committee notes that Ms. Tanoue is also a member of the Ha Kupuna Advisory Community and the Hawaii Healthy Aging Partnership, both of which are dedicated to improving the health and increasing the life expectancies of the State's kupuna. Ms. Tanoue earned her Bachelor's degree in family resources with an emphasis in gerontology, an Advanced Certificate in Gerontology, and a Master's degree in public health in health services administration & planning from the University of Hawaii at Manoa.

Your Committee further finds that Ms. Tanoue meets the requirement that representatives be able to make contributions to the solution of problems relating to aging. Your Committee therefore recommends that Ms. Tanoue be appointed to the Policy Advisory Board for Elder Affairs based on her experience in gerontology and her commitment to the health and well-being of the elderly community.

As affirmed by the records of votes of the members of your Committee on 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, 1 (Moriwaki).

SCRep. 1855 Water and Land on Gov. Msg. No. 682

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF LAND AND NATURAL RESOURCES

G.M. No. 682 VERNON CHAR, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Vernon Char for service on the Board of Land and Natural Resources.

Your Committee received testimony in support of the nomination for reappointment of Vernon Char from the Department of Land and Natural Resources and Ponoholo Ranch Limited.

Upon review of the testimony, your Committee finds that Vernon Char's experience, background, and commitment to public service qualify him for reappointment to the Board of Land and Natural Resources as a member at large. Mr. Char has been a practicing attorney in Hawaii since 1959 after graduating from Harvard Law School. Your Committee further notes that Mr. Char has over twenty-five years of experience serving on governmental boards and commissions. Mr. Char was one of the founders and the first President of the University of Hawaii Alumni Association. He served as a member of the Hawaii Tourism Authority from 2003 to 2011, Chairperson of the State Bicentennial Commission for the U.S. Constitution from 1986 to 1991, and the first Chairperson of the State Ethics Commission from 1968 to 1975. Your Committee further finds that Mr. Char has served as a member of the Board of Land and Natural Resources since 2019 and has a thorough understanding of the roles and responsibilities of its members. His experience and knowledge will continue to be assets to the Board of Land and Natural Resources. Your Committee therefore recommends that Vernon Char be reappointed to the Board of Land and Natural Resources based on his experience, 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, 3. Noes, none. Excused, 2 (Misalucha, Riviere).

SCRep. 1856 Water and Land on Gov. Msg. Nos. 699 and 700

Recommending that the Senate advise and consent to the nominations of the following:

NATURAL AREA RESERVES SYSTEM COMMISSION

G.M. No. 699 NORINE HAYES, for a term to expire 06-30-2025; and

G.M. No. 700 THORNE ABBOTT, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Norine Hayes and Thorne Abbott for service on the Natural Area Reserves System Commission.

NORINE HAYES

Your Committee received testimony in support of the nomination for the reappointment of Norine Hayes from the Department of Land and Natural Resources and seven individuals.

Upon review of the testimony, your Committee finds that Norine Hayes's professional experience, background, and desire to serve her community qualify her for consideration for reappointment to the Natural Area Reserves System Commission as a member that possesses scientific qualifications as evidenced by an academic degree in zoology. Your Committee notes that Ms. Hayes has been the Malacology Curator for the Bernice Pauahi Bishop Museum since 2015 and a Research Collaborator with the Smithsonian Institution's U.S. National Museum of Natural History since 2011. She has also been a reviewer for publications such as the Wilson Journal of Ornithology, Journal of Parasitology, and the American Malacological Bulletin since 2011. Your Committee further notes that Ms. Hayes is also an active member in various professional organizations, including the American Malacological Society and American Association for the Advancement of Science. Ms. Hayes has served as a member of the Natural Area Reserves System Commission since 2017 and her knowledge and experience continue to enhance the effectiveness of the Natural Area Reserves System Commission. Your Committee therefore recommends that Norine Hayes be reappointed to the Natural Area Reserves System Commission based on her experience, knowledge, and commitment to public service.

THORNE ABBOTT

Your Committee received testimony in support of the nomination for the appointment of Thorne Abbott from the Department of Land and Natural Resources and five individuals.

Upon review of the testimony, your Committee finds that Thorne Abbott's professional experience, background, and desire to serve his community qualify him for consideration for appointment to the Natural Area Reserves System Commission as a member that possesses scientific qualifications as evidenced by an academic degree in ecology and marine biology. Mr. Abbott received a Doctorate in Urban and Regional Planning from the University of Hawaii; a Post-Master Certificate in Coastal Planning from the University of Maryland; a Master of Science in Environmental Science from James Cook University, Australia; and a Bachelor of Arts in Environmental Studies from West Virginia University. Your Committee notes that Mr. Abbott's experience in environmental consulting spans over twenty years, with expertise in coastal planning and familiarity with Hawaii land use laws and regulations. Your Committee further finds that Mr. Abbott has served as a member of the Legacy Land Conservation Commission from 2012 to 2019 and has a thorough understanding of the role and responsibilities of board members. Your Committee therefore recommends that Thorne Abbott be appointed to the Natural Area Reserves System Commission based on his experience, knowledge, 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, 3. Noes, none. Excused, 2 (Misalucha, Riviere).

SCRep. 1857 Water and Land on Gov. Msg. Nos. 736, 737, and 738

Recommending that the Senate advise and consent to the nominations of the following:

GAME MANAGEMENT ADVISORY COMMISSION

G.M. No. 736 NICOLAI BARCA, for a term to expire 06-30-2023;

G.M. No. 737 JASON SANBORN, for a term to expire 06-30-2024; and

G.M. No. 738 JOHN TERRY, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Nicolai Barca, Jason Sanborn, and John Terry for service on the Game Management Advisory Commission.

NICOLAI BARCA

Your Committee received testimony in support of the nomination for the appointment of Nicolai Barca from the Department of Land and Natural Resources. Your Committee received testimony in opposition to the nomination for the appointment of Nicolai Barca from The Humane Society of the United States, Animal Rights Hawai'i, and one individual. Your Committee received comments on the nomination for the appointment of Nicolai Barca from Pono Advocacy.

Upon review of the testimony, your Committee finds that Nicolai Barca's background and dedication to serving the public qualify him to be appointed to the Game Management Advisory Commission as a member representing the county of Kauai, licensed as a hunter in the State, with leadership experience in working directly with local hunter or shooting organizations. Your Committee notes that Mr. Barca has been with the Kauai Program of The Nature Conservancy for the last thirteen years and he has been the Field Coordinator for this program since 2016. Your Committee further notes that Mr. Barca is also an active member in professional and community organizations, such as the Na Ala Hele Kauai Advisory Council. Your Committee finds that Mr. Barca has a thorough understanding of the role and responsibilities of board members and his extensive experience in tropical forest ecosystem and agroforestry management, along with his interests in hunting, fishing, and conservation, will enhance the effectiveness of the Game Management Advisory Commission. Your Committee therefore recommends that Nicolai Barca be appointed to the Game Management Advisory Commission based on his knowledge, background, and dedication to public service.

JASON SANBORN

Your Committee received testimony in support of the nomination for the appointment of Jason Sanborn from the Department of Land and Natural Resources. Your Committee received testimony in opposition to the nomination for the appointment of Jason

Sanborn from The Humane Society of the United States, Animal Rights Hawai'i, and one individual. Your Committee received comments on the nomination for the appointment of Jason Sanborn from Pono Advocacy.

Upon review of the testimony, your Committee finds that Jason Sanborn's background and desire to serve his community qualify him to be appointed to the Game Management Advisory Commission as a member representing East Hawaii, licensed as a hunter in the State, with leadership experience in working directly with local hunter or shooting organizations. Your Committee notes that Mr. Sanborn is the President and founder of Sanborn General Contracting Inc. Before his career in construction, Mr. Sanborn served in the Hawaii Army National Guard, where he graduated at the top of his class. Your Committee further notes that when he was in high school, Mr. Sanborn was part of the rodeo team, making it to the National High School Rodeo Championships in 1996. Your Committee finds that Mr. Sanborn has a thorough understanding of the role and responsibilities of board members and his experience in subsistence hunting will enhance the effectiveness of the Game Management Advisory Commission. Your Committee therefore recommends that Jason Sanborn be appointed to the Game Management Advisory Commission based on his knowledge, background, and desire to contribute to the community.

JOHN TERRY

Your Committee received testimony in support of the nomination for the appointment of John Terry from the Department of Land and Natural Resources. Your Committee received testimony in opposition to the nomination for the appointment of John Terry from The Humane Society of the United States, Animal Rights Hawai'i, and one individual. Your Committee received comments on the nomination for the appointment of John Terry from Pono Advocacy.

Upon review of the testimony, your Committee finds that John Terry's background and dedication to serving the public qualify him to be appointed to the Game Management Advisory Commission as a member representing the City and County of Honolulu, licensed as a hunter in the State, with leadership experience in working directly with local hunter or shooting organizations. Your Committee notes that Mr. Terry is currently a Retreat Coordinator for the Campus Ministry at Saint Louis School. Previously, he was a booking agent for a family-owned charter fishing business in Kewalo Basin from 2009 to 2012. Your Committee finds that Mr. Terry has a thorough understanding of the role and responsibilities of board members and his experience in resource management and education will enhance the effectiveness of the Game Management Advisory Commission. Your Committee therefore recommends that John Terry be appointed to the Game Management Advisory Commission based on his knowledge, background, 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, 3. Noes, none. Excused, 2 (Misalucha, Riviere).

SCRep. 1858 Water and Land on Gov. Msg. Nos. 683, 684, and 685

Recommending that the Senate advise and consent to the nominations of the following:

KAHOOLAWE ISLAND RESERVE COMMISSION

G.M. No. 683 MICHELLE PESCAIA, for a term to expire 06-30-2025;

G.M. No. 684 ANELA EVANS, for a term to expire 06-30-2024; and

G.M. No. 685 BENTON PANG, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Michelle Pescaia, Anela Evans, and Benton Pang for service on the Kahoʻolawe Island Reserve Commission.

MICHELLE PESCAIA

Your Committee received testimony in support of the nomination for the reappointment of Michelle Pescaia from the Kahoʻolawe Island Reserve Commission, Hawaii State Aha Moku, Protect Kahoʻolawe ʻOhana, and thirteen individuals.

Upon review of the testimony, your Committee finds that Michelle Pescaia's professional experience, background, and desire to serve her community qualify her for consideration for reappointment to the Kahoʻolawe Island Reserve Commission as a member from a list provided by the Protect Kahoʻolawe 'Ohana. Ms. Pescaia has been an Interpretive Park Ranger at the Kalaupapa National Historical Park since March 2014. Your Committee notes that Ms. Pescaia has a wealth of experience in community programs that teach and develop the Hawaiian language and values. Your Committee further notes that Ms. Pescaia was an active member in professional and community organizations, including the Molokai Island Burial Council from 2009 to 2012, and 2014 to 2018. Your Committee further finds that Ms. Pescaia has served as a member of the Kahoʻolawe Island Reserve Commission since August 2019, and her knowledge and experience continues to enhance the effectiveness of the Kahoʻolawe Island Reserve Commission. Your Committee therefore recommends that Michelle Pescaia be reappointed to the Kahoʻolawe Island Reserve Commission based on her background, knowledge, and desire to contribute to the community.

ANELA EVANS

Your Committee received testimony in support of the nomination for the appointment of Anela Evans from the Kahoʻolawe Island Reserve Commission, Hawaii State Aha Moku, Protect Kahoʻolawe ʻOhana, and twelve individuals.

Upon review of the testimony, your Committee finds that Anela Evans' background and desire to serve her community qualify her to be appointed to the Kaho'olawe Island Reserve Commission as a member from a list provided by the Protect Kaho'olawe 'Ohana. Your Committee notes that Ms. Evans is currently the Cultural Practitioner at the Four Seasons Resort on Lāna'i. Previously, she was an assistant manager for the Culture and Historic Preservation Division at Pūlama Lāna'i. She was also the Volunteer Coordinator for

the Kahoʻolawe Island Reserve Commission from September 2013 to September 2015. Your Committee finds that Ms. Evans has a thorough understanding of the role and responsibilities of board members and her experience, knowledge of the Hawaiian culture, and dedication to public service will enhance the effectiveness of the Kahoʻolawe Island Reserve Commission. Your Committee therefore recommends that Anela Evans be appointed to the Kahoʻolawe Island Reserve Commission based on her knowledge, background, and dedication to public service.

BENTON PANG

Your Committee received testimony in support of the nomination for the appointment of Benton Pang from the Kahoʻolawe Island Reserve Commission, Hawaii State Aha Moku, Protect Kahoʻolawe ʻOhana, Association of Hawaiian Civil Clubs, and twelve individuals.

Upon review of the testimony, your Committee finds that Benton Pang's background and desire to serve his community qualify his to be appointed to the Kaho'olawe Island Reserve Commission as a member from a list provided by a native Hawaiian organization. Your Committee notes that Dr. Pang is currently an Invasive Species Team Manager for the U.S. Fish and Wildlife Service. He has been working for the U.S. Fish and Wildlife Service since 1999. Previously, Dr. Pang was a Natural Resources Manager for Parsons-UXB, a joint venture company that was contracted to remove unexploded ordnance on Kaho'olawe Island. Your Committee further notes that Dr. Pang is an active member in professional and community organizations, including the Papahānaumokuākea Native Hawaiian Cultural Working Group. Your Committee finds that Dr. Pang has a thorough understanding of the role and responsibilities of board members and his extensive background in botany, ethnobotany, and ecological restoration will enhance the effectiveness of the Kaho'olawe Island Reserve Commission. Your Committee therefore recommends that Benton Pang be appointed to the Kaho'olawe Island Reserve 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 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 (Fevella).

SCRep. 1859 Water and Land on Gov. Msg. Nos. 686, 715, and 771

Recommending that the Senate advise and consent to the nominations of the following:

KANE'OHE BAY REGIONAL COUNCIL

G.M. No. 686 LETANI PELTIER, for a term to expire 06-30-2023;

G.M. No. 715 JOSEPH PICKARD, for a term to expire 06-30-2025; and

G.M. No. 771 CLIFFORD LOO, for a term to expire 06-30-2025

Your Committee reviewed the personal histories, resumes, and statements submitted by Letani Peltier, Joseph Pickard, and Clifford Loo for service on the Kane'ohe Bay Regional Council.

LETANI PELTIER

Your Committee received testimony in support of the nomination for the appointment of Letani Peltier from the Department of Land and Natural Resources, Hawaii State Aha Moku, Office of Hawaiian Affairs, Association of Hawaiian Civic Clubs, Koʻolaupoko Hawaiian Civic Club, and fifteen individuals.

Upon review of the testimony, your Committee finds that Letani Peltier's background and desire to serve qualify him to be appointed to the Kane'ohe Bay Regional Council as a voting member representing the Office of Hawaiian Affairs. Your Committee notes that Mr. Peltier has been a public policy advocate for the Office of Hawaiian Affairs since December 2020. Previously, he was a public policy intern for the Office of Hawaiian Affairs during the 2016 and 2017 legislative sessions. Your Committee further notes that Mr. Peltier is an active member in professional and community organizations, including the Native Hawaiian Bar Association and Kane'ohe Neighborhood Board. Your Committee finds that Mr. Peltier has a thorough understanding of the role and responsibilities of board members and his experience in native Hawaiian law will enhance the effectiveness of the Kane'ohe Bay Regional Council. Your Committee therefore recommends that Letani Peltier be appointed to the Kane'ohe Bay Regional Council based on his knowledge, background, and dedication to public service.

JOSEPH PICKARD

Your Committee received testimony in support of the nomination for the appointment of Joseph Pickard from the Department of Land and Natural Resources, Hawaii State Aha Moku, Koʻolaupoko Hawaiian Civic Club, and three individuals.

Upon review of the testimony, your Committee finds that Joseph Pickard's background and dedication to serving the public qualify him to be appointed to the Kane'ohe Bay Regional Council as a voting member representing the Kaneohe Bay Commercial Operators Association. Your Committee notes that Mr. Pickard has been a local business owner since 1989. He is the founder and Chairman Emeritus of the Native Hawaiian Community Development Corporation, which was founded to support science, technology, engineering, and math education and career opportunities for native Hawaiians. Mr. Pickard is also currently the President of SeaHawaii, Inc., an ocean recreation, transport, and apparel company; Environet, Inc., an environmental engineering and remediation service company; and Community Planning & Engineering, Inc., a civil engineering firm. Your Committee finds that Mr. Pickard was one of the founding members of the Kane'ohe Bay Regional Council and has previously served on the Kane'ohe Bay Regional Council from 2008 to 2012. He has a thorough understanding of the role and responsibilities of board members and his extensive experience as a commercial operator on Kaneohe Bay and as a former member of the Kane'ohe Bay Regional Council will enhance the effectiveness

of the Kane'ohe Bay Regional Council. Your Committee therefore recommends that Joseph Pickard be appointed to the Kane'ohe Bay Regional Council based on his knowledge, background, and desire to contribute to the community.

CLIFFORD LOO

Your Committee received testimony in support of the nomination for the reappointment of Clifford Loo from the Department of Land and Natural Resources, Hawaii State Aha Moku, Office of Hawaiian Affairs, Association of Hawaiian Civic Clubs, Koʻolaupoko Hawaiian Civic Club, and three individuals.

Upon review of the testimony, your Committee finds that Clifford Loo's experience, knowledge, and proven leadership on the Kane'ohe Bay Regional Council qualify him for reappointment to the Kane'ohe Bay Regional Council as a voting member, representing the Kahalu'u Neighborhood Board. Your Committee notes that Mr. Loo retired in 2004 and has been a member of the Kahalu'u Neighborhood Board for over nine years. Your Committee further finds that Mr. Loo has served on the Kane'ohe Bay Regional Council since 2017. His experience and knowledge will continue to be assets to the Kane'ohe Bay Regional Council. Your Committee therefore recommends that Clifford Loo be reappointed to the Kane'ohe Bay Regional Council 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 (Fevella).

SCRep. 1860 Water and Land on H.C.R. No. 30

The purpose and intent of this measure is to request the Department of Land and Natural Resources to establish a community advisory committee for Polihale State Park on the island of Kauai.

Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that Polihale State Park is a remote, multi-mile stretch of beach with one unimproved dirt road for access. Your Committee further finds that Polihale State Park has a recent history of illicit and destructive uses, including that of reckless driving through the dunes and other areas of the park that contain Hawaiian burial sites or critically endangered plants. This measure seeks to increase capacity to educate the public on the rules of the Hawaii State Park System, including proper visitor behavior, and achieve an appropriate balance between recreation and stewardship of the sensitive cultural and natural resources of Polihale State Park.

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 H.C.R. No. 30, H.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1861 Water and Land on H.C.R. No. 47

The purpose and intent of this measure is to encourage the City and County of Honolulu to plan for the necessary improvement and revitalization of Hans L'Orange Park in Waipahu, Oahu.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that the City and County of Honolulu has appropriated \$8,000,000 for improvements to the baseball field, parking lot, comfort station, and drainage at the Hans L'Orange Park in the Waipahu Heritage District. Your Committee further finds that the final design plans for these improvements are scheduled to be approved and put out to bid by the end of 2021. Your Committee notes that improvements to other areas of Hans L'Orange Park, such as its playgrounds, basketball court, and pedestrian walkways, are necessary for its continued use and enjoyment, especially as the centennial anniversary of this historic park is approaching.

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 H.C.R. No. 47, H.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1862 Water and Land on H.C.R. No. 66

The purpose and intent of this measure is to request the review and approval of an action taken by the Board of Land and Natural Resources on a land exchange between the Parker Land Trust and the State of Hawaii for state land owned at Waikoloa, Waimea, South Kohala, Hawaii.

Your Committee received testimony in support of this measure from the Department of Natural Resources and a member of the Hawai'i County Council. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that, pursuant to section 171-50, Hawaii Revised Statutes, the Board of Land and Natural Resources may execute a land exchange of public land for private land with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee notes that this measure was also transmitted to the Office of Hawaiian Affairs pursuant to section 171-50, Hawaii Revised Statutes, and the Office of Hawaiian Affairs did not oppose the land exchange.

Your Committee further finds that at its meeting of August 28, 2020, under agenda item D-3, the Board of Land and Natural Resources, in principle, approved a land exchange between the State of Hawaii and Parker Land Trust. The proposed land exchange conveys an approximately 0.5368 acre of vacant and unencumbered state land at Waikoloa, Hawaii, valued at \$19,400, in exchange for an approximately 0.3420 acre of vacant private land owned by Parker Land Trust, valued at \$250,000. Your Committee concludes that this land exchange will benefit the public as it will facilitate the construction of a United States Post Office and resolve an access issue affecting the construction of a portion of Ala Ohia Road.

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 H.C.R. No. 66, and recommends its adoption.

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

SCRep. 1863 Water and Land on H.C.R. No. 102

The purpose and intent of this measure is to request the Office of Planning, in collaboration with the Department of Land and Natural Resources, University of Hawaii, Hawaii Emergency Management Agency, Department of Transportation, and the appropriate county planning departments and county emergency management agencies to develop a plan to establish a state geological survey in Hawaii.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Office of Planning. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that Hawaii is the only state in the nation without a geological survey and one of only two states that have never received federal funds to perform geological surveys. Your Committee further finds that establishing a state geological survey in Hawaii would organize the State's mapping capability, allow the State to compete for federal funds to complete geological mapping projects, and provide a broader range of geological information for the public and state decision-makers to use in watershed management and hazard mitigation.

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 H.C.R. No. 102, H.D. 2, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

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

SCRep. 1864 Water and Land on H.C.R. No. 147

The purpose and intent of this measure is to request that a working group be convened to make recommendations on flood mitigation at the intersection of East Manoa Road and Oahu Avenue.

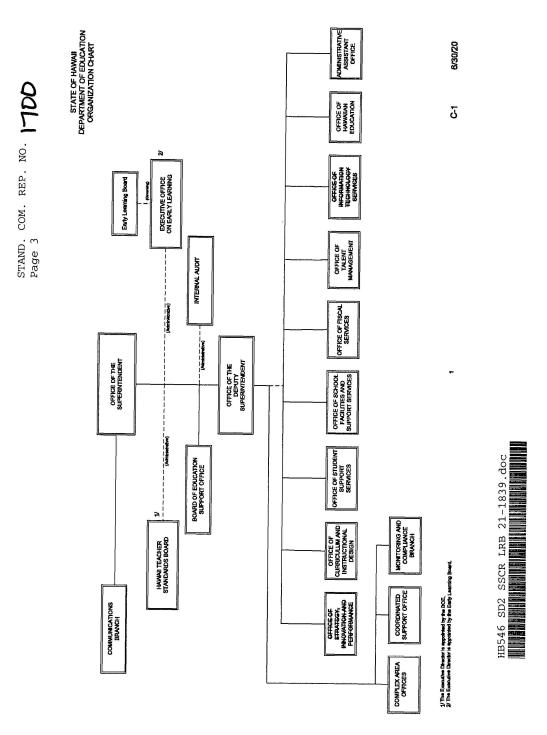
Your Committee received testimony in support of this measure from twelve individuals.

Your Committee finds that the intersection of East Manoa Road and Oahu Avenue is the primary ingress and egress to and from Manoa Valley. Your Committee further finds that the frequent flooding of this intersection has occurred for over sixty years and remains a hazard to pedestrians, motorists, including emergency and public safety vehicles, and residents of the area. This measure seeks to facilitate dialogue between the community and elected officials of Manoa to explore flood mitigation solutions at this intersection.

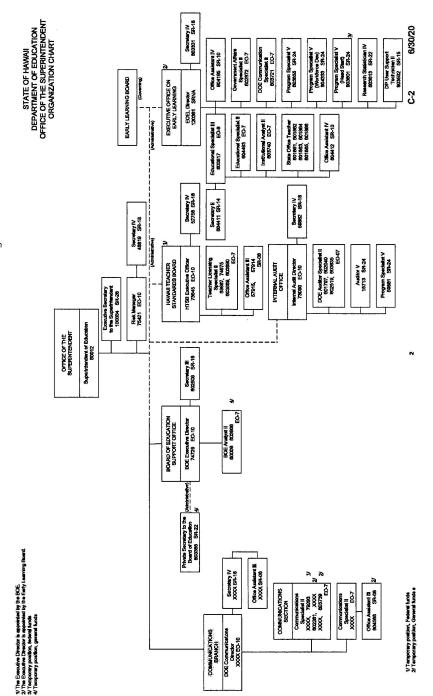
As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 147, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

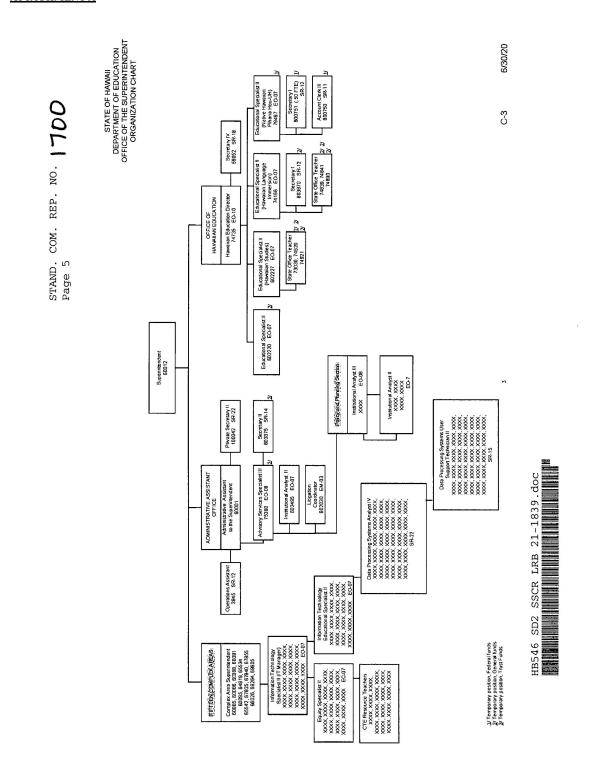
Ayes, 5. Noes, none. Excused, none.

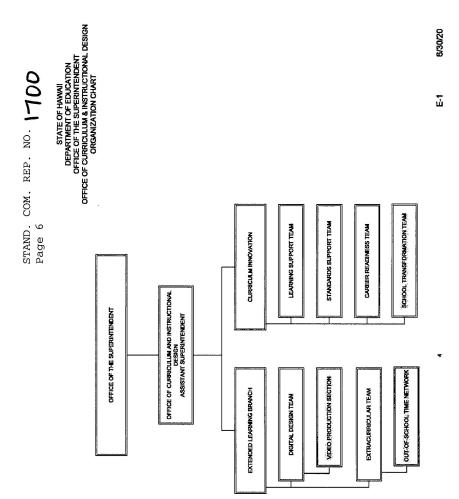


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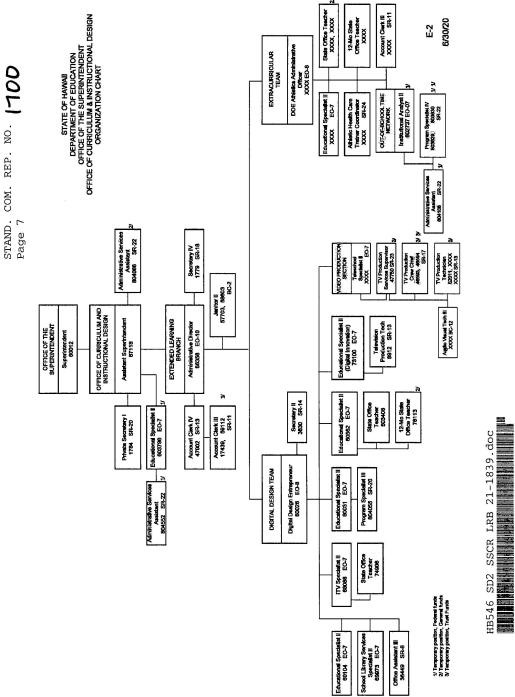


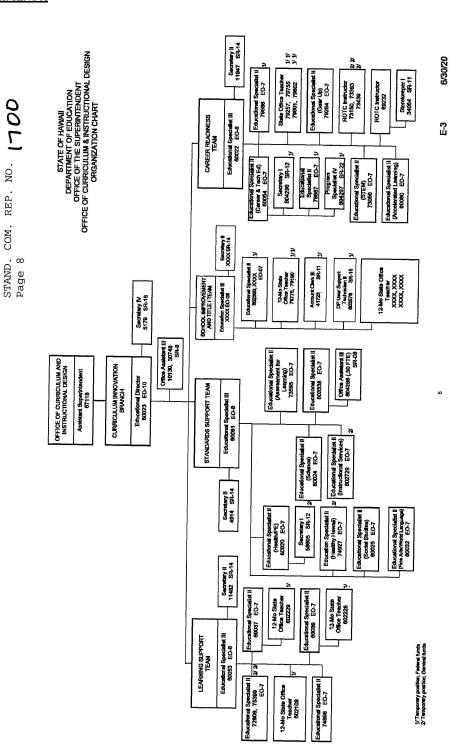
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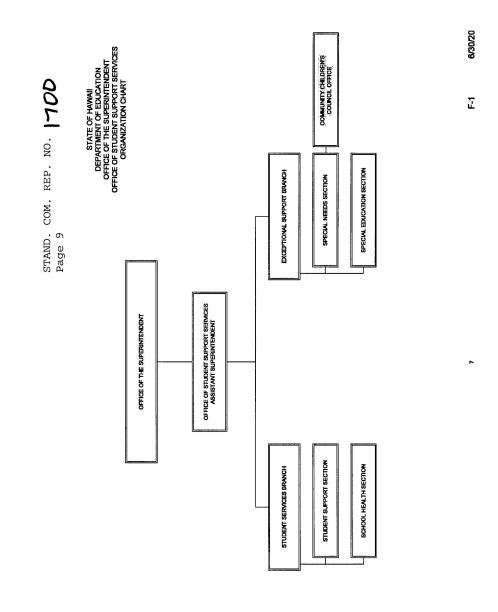


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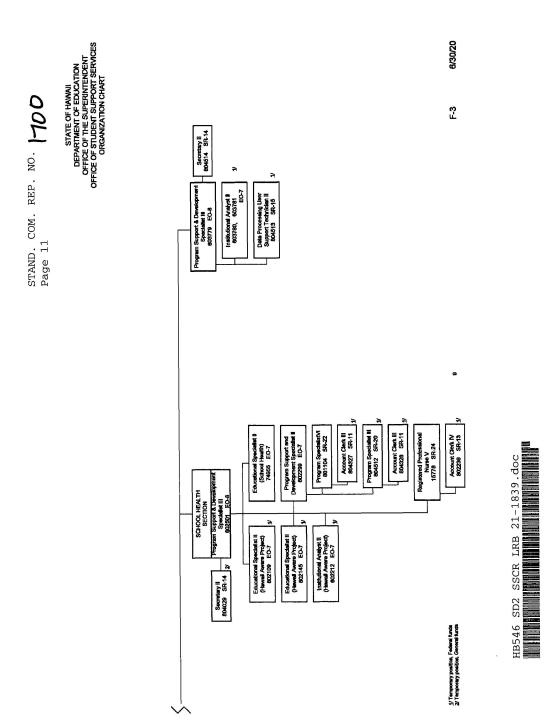
STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT
OFFICE OF STUDENT SUPPORT SERVICES
ORGANIZATION CHART Secretary II 804015 SR-14 Educational Specialist I 803727 EO-7 State Office Teacher (Homelese Students) 76173 Educational Specialist II 78174 EO-7 Social Worker IV 803798 SR-22 Sucational Specialist III 61233, 79329 EO-7 12-Mo State Office Teacher (Title IB) 78920 Educational Specialist (Positive Behavioral Support) 73228 EO-7 Secretary IV 15083 SR-18 Secretary II 5077 SR-14 Educational Specialist | (CSSS PD Specialist) 74953F EO-7 Educational Speciells (E11.) 60058 E0-7 STUDENT SERVICES BRANCH Educational Specialist III 80050 EO-8 Assistant Superintendent 804480 OFFICE OF STUDENT SUPPORT SERMCES OFFICE OF THE SUPERINTENDENT STUDENT SUPPORT SECTION Educational Director 80010 EO-10 Superintendent 80012 School Psychologist 800508 SR-24 ; Educational Specialist II (SBBH) 75400 EO-7 Administrative Services Assistant 804278 SR-22 2/ 7 Office Assistant III 59695, 59896 SR-8 Educational Specialist II (Family Involvement) 74728 EO-7 Educational Specialist II
(Training and Data
Accountability)
604364 EO-7 Educational Specialist II 79745 EO-7 12 Mo State Office Teacher 603748 Educational Director (Alternative Learning Programs) 808359 EO-10 Special Program
Management Specialist B
(Migrant)
78206 EO-7 Office Assistant III 802925 (.50 FTE) SR-8 12 No State Office Teacher 803028 Secretary II 56079 SR-14 Secretary IV 804532 SR-18

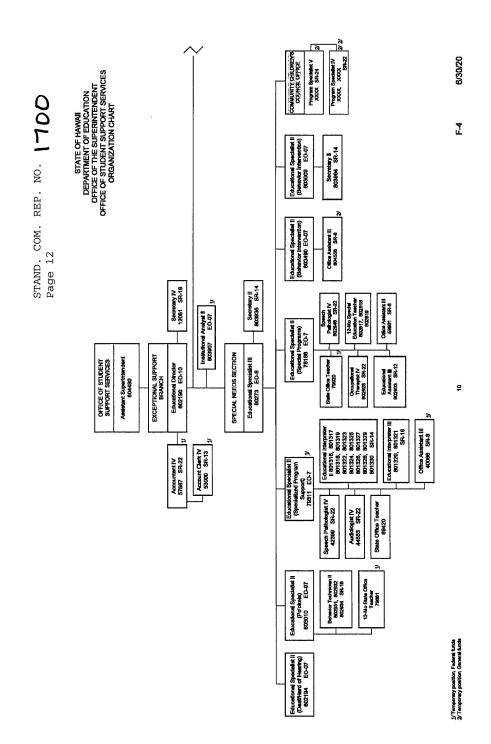
1/ Temporary position, Federal funds 2/ Temporary position, General funds

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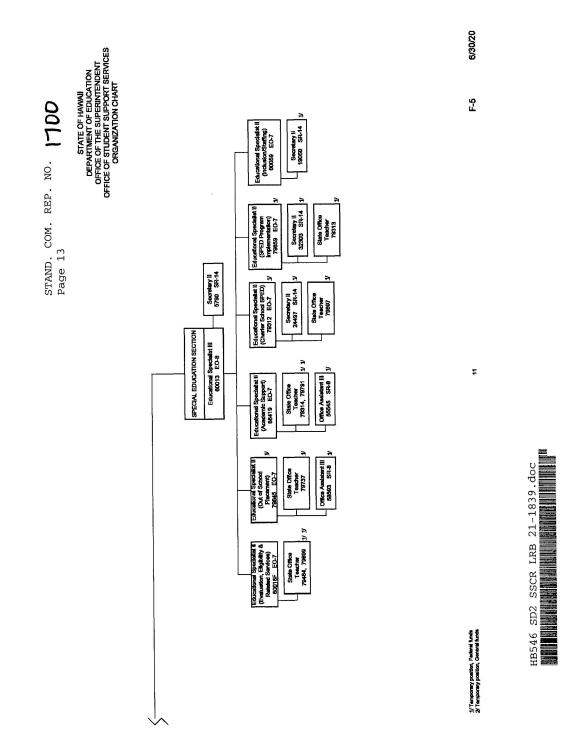
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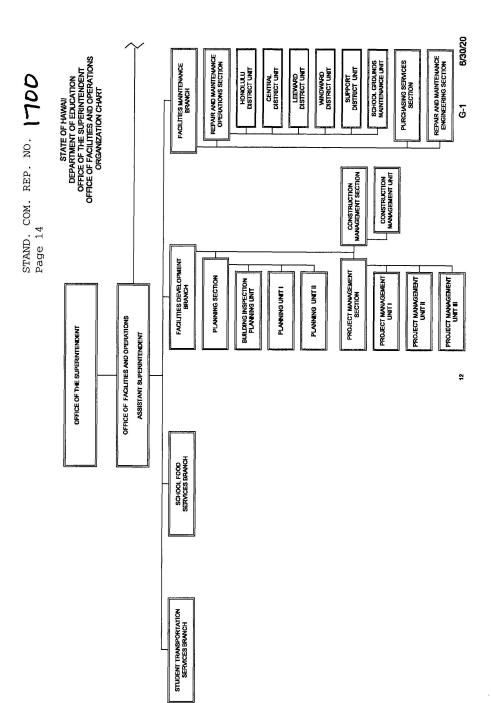
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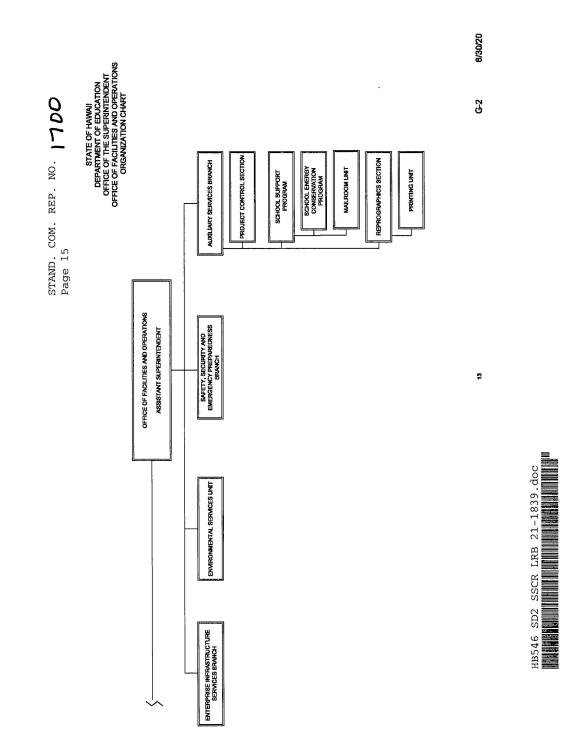


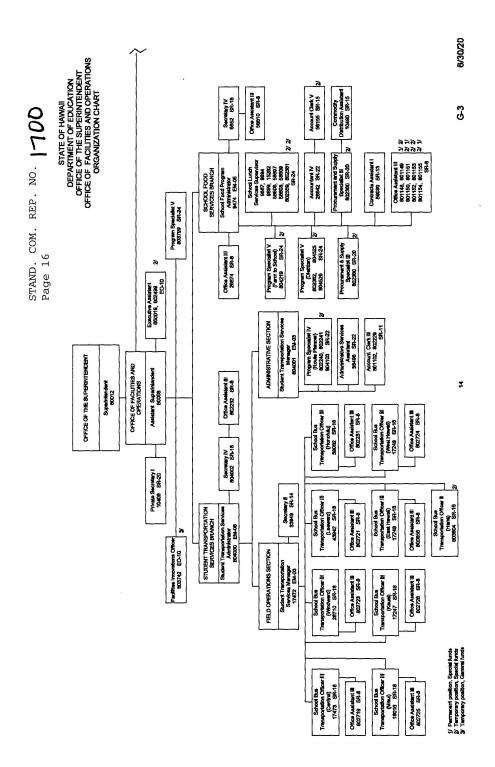
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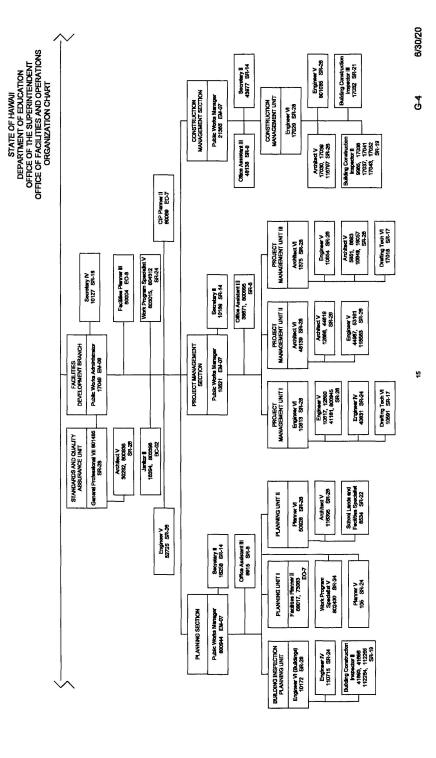


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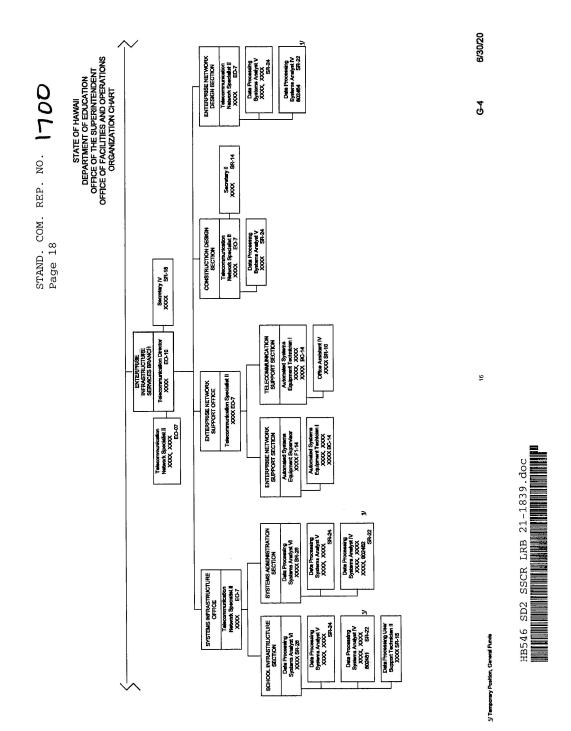
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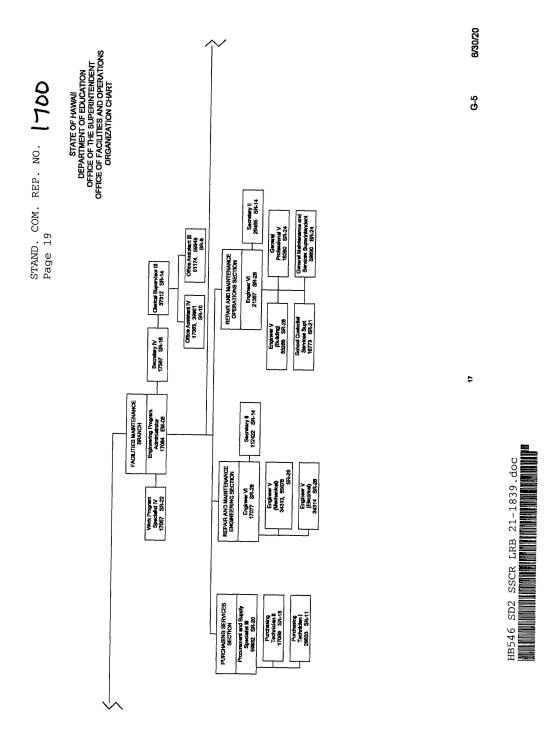
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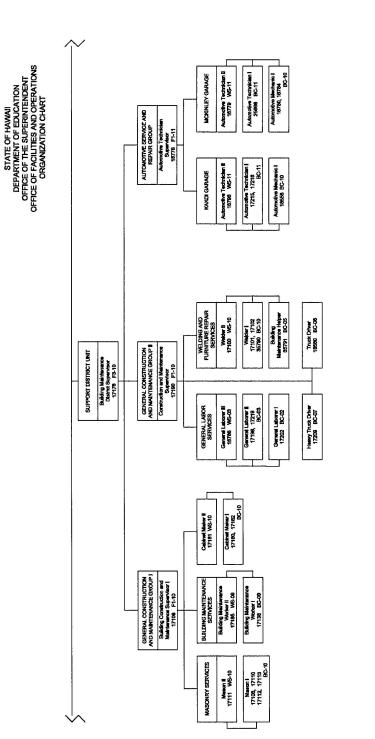
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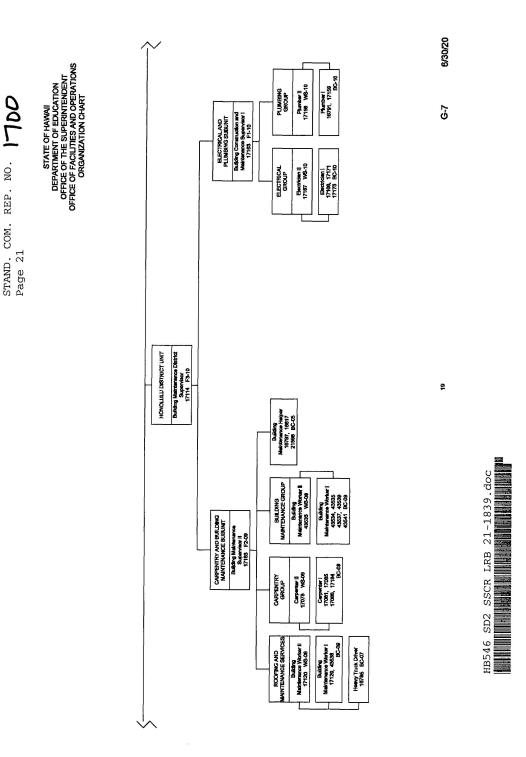


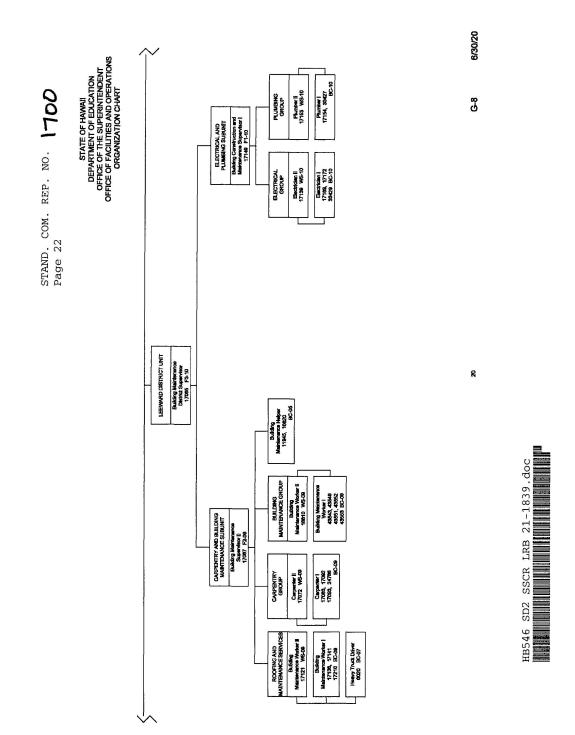
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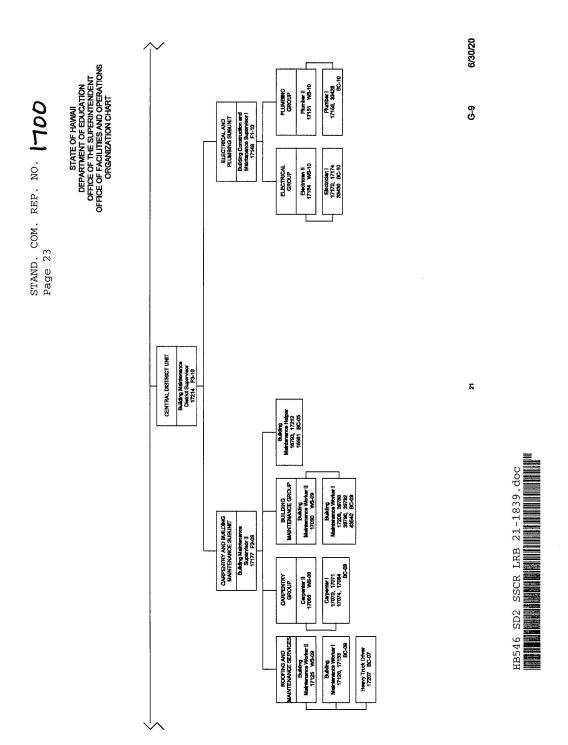
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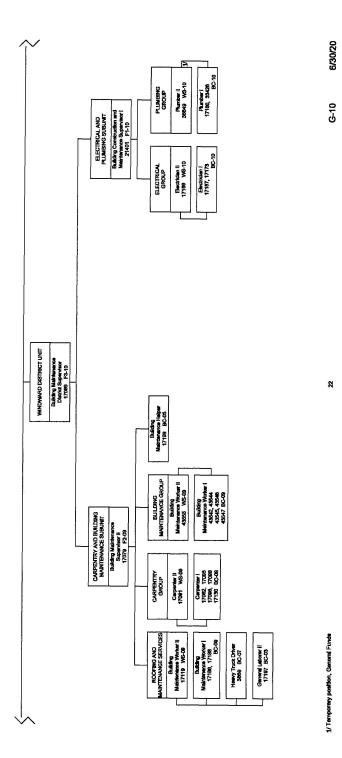






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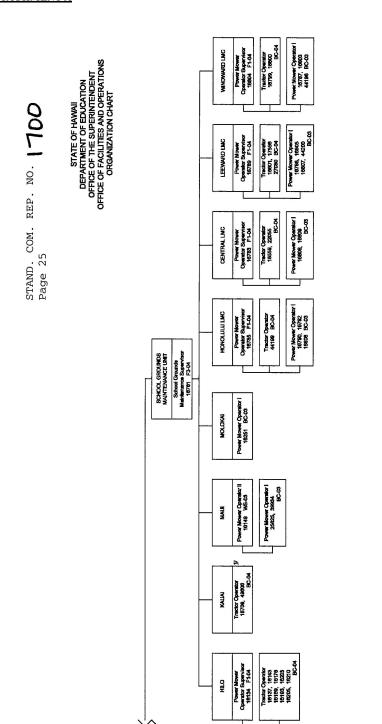
STATE OF HAWA!!
DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERNITENDENT
OFFICE OF FACILITIES AND OPERATIONS
ORGANIZATION CHART



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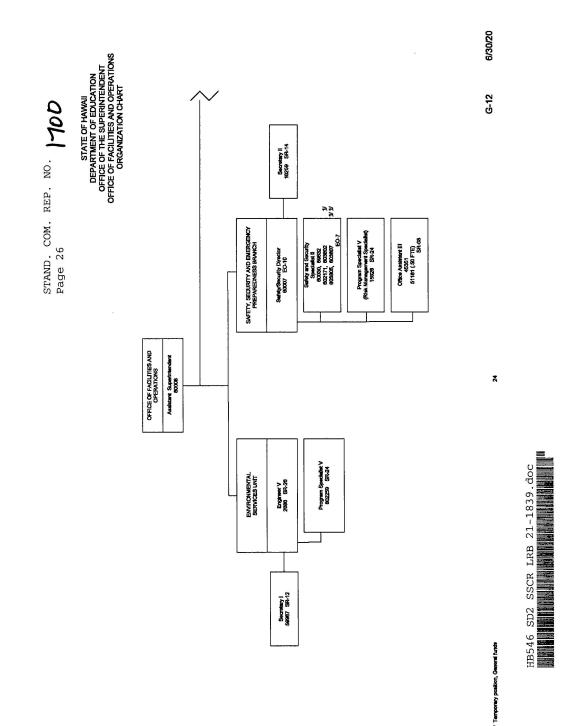
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ATTACHMENT A



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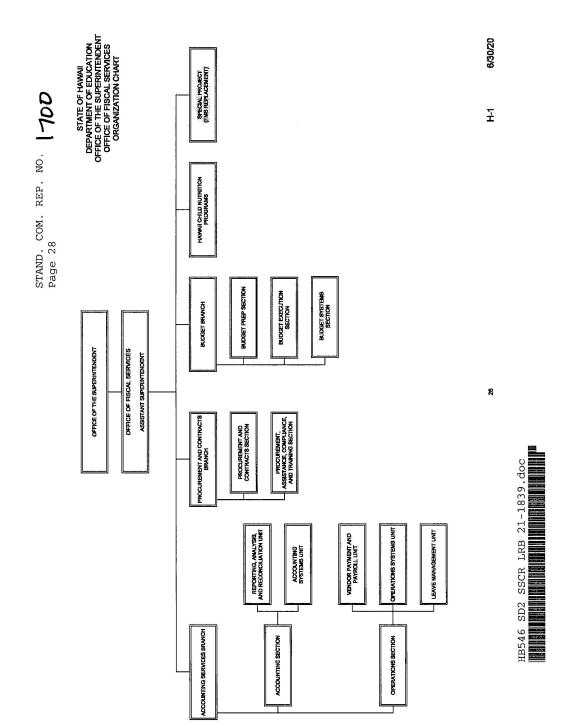
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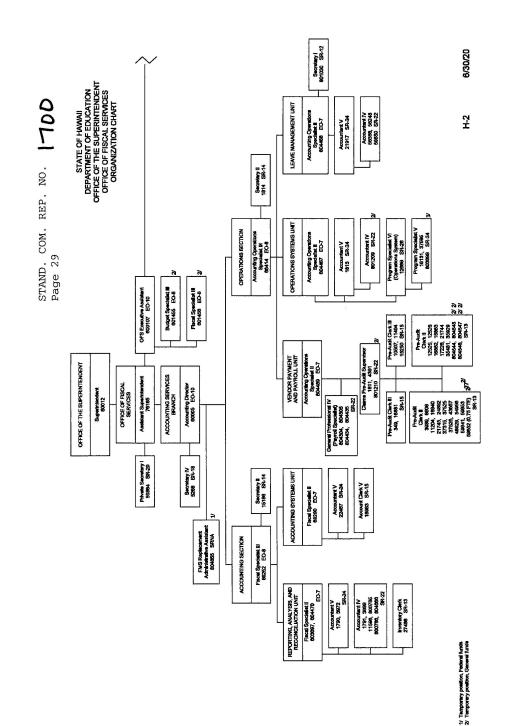


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6/30/20 STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT
OFFICE OF FACILITIES AND OPERATIONS
ORGANIZATION CHART Office Assistant III 44450 SR-6 Bustrator -Protographer 19159, 44170 SR-17 Account Clerk V 19180 8R-15 Compositor I 19175 BC-9 Compositor il 21981 VIS-9 G-13 REPROGRAPHIC SECTION Office Assistant III 19173 SR-8 Offset Press Operator II 15432, 44221 BC-8 Office Assistant IV 19186 8R-10 Offset Press Operator III 14678 BC-9 Offset Pross Operator II 21959 BC-8 PRINTING UNIT Office Assistant | 14195, 57314 SR-4 Office Assistant IV 1781 SR-10 MAILROOM UNIT Secretary IV 8413 SR-18 Junitor II 29762 BC-02 Secretary II 57772 SR-14 SCHOOL SUPPORT PROGRAM Budget Specialist III 80110 EO-7 AUXILIARY BERVICES BRANCH Audian Services Director 60003 EO-10 55 Account Clerk IV 800873 SR-13 SCHOOL ENERGY CONSERVATION PROG Energy Conservation Coordinator S9867 SR-24 Engineer V 33206 SR-28 Administrative Services Ansistant 36446 SR-22 Secretary II 59851 SR-14 Administrative Services Assistant 59830 SR-22 Departmental Contracts Specialist 1284, 801494 SR-22 Work Program Specialist V 800728 SR-24 Account Clerk IV 802468 SR-15 PROJECT CONTROL SECTION Procurement and Distribution Specialist II 68354 EO-7 Account Clerk V 17221, 27939 SR-15 Work Program Specialist IV 10835 SR-22 Property Manager V 801082 SR-24 1/ Temporary position, Federal funds

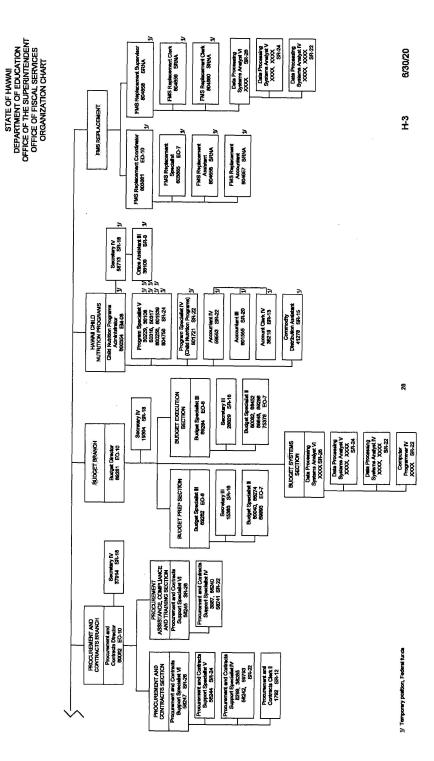
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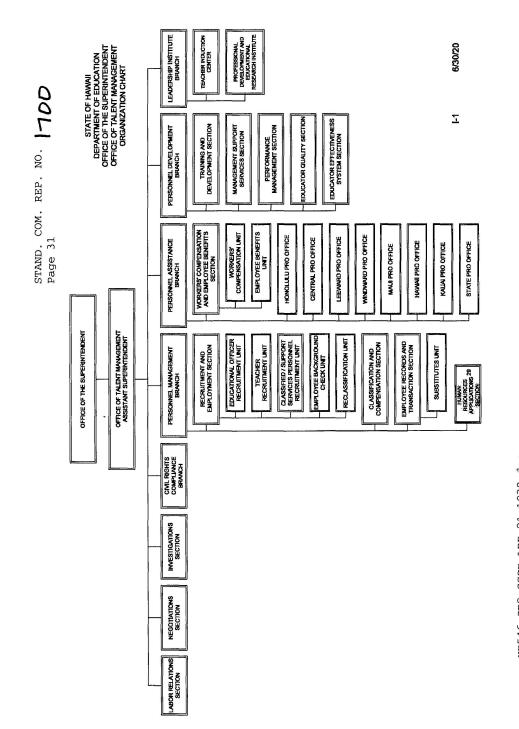


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STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT
OFFICE OF TALENT MANAGEMENT
ORGANIZATION CHART Office Assistant III 804062 SR-08 CMLRIGHTS COMPLIANCE
BRANCH
CM Rights Compliance
Director
69700 EC-10 Equity Specialist 8
XXXX, XXXX
XXXX, XXXX
EO-7 Equity Specialist III 89701 EO-8 Executive Assistant 603988 ED-10 Personnel Specialet II 1 602207, 603661 EO-7 INVESTIGATIONS SECTION Personnel Specialist III 80051 EO-8 OFFICE OF THE SUPERINTENDENT 80012 OFFICE OF TALENT MANAGEMENT Personnel Specialist III 60076 EO-7 NEGOTIATIONS SECTION Personnel Director 78183 EO-10 Private Secretary | 1785 SR-20 Secretary !! 18245 SR-14 Personnel Specialist II e0000, 69866 73073, 74840 E0-7 LABOR RELATIONS SECTION Personnel Technician VI 19133 SR-15 Personnel Clerk V 19242 SR-13 Personnel Specialist III 60073 EO-8

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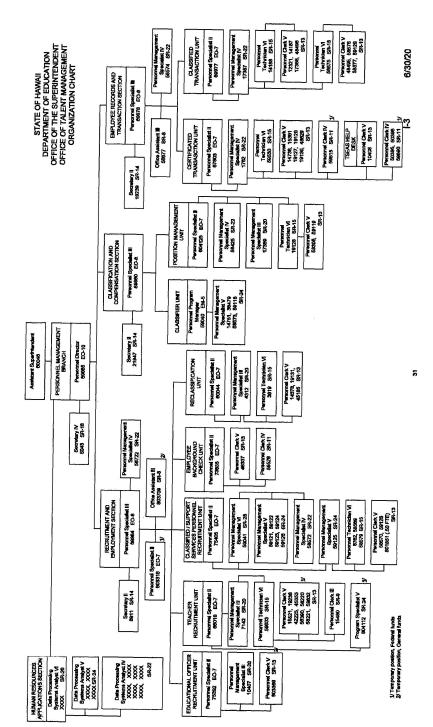
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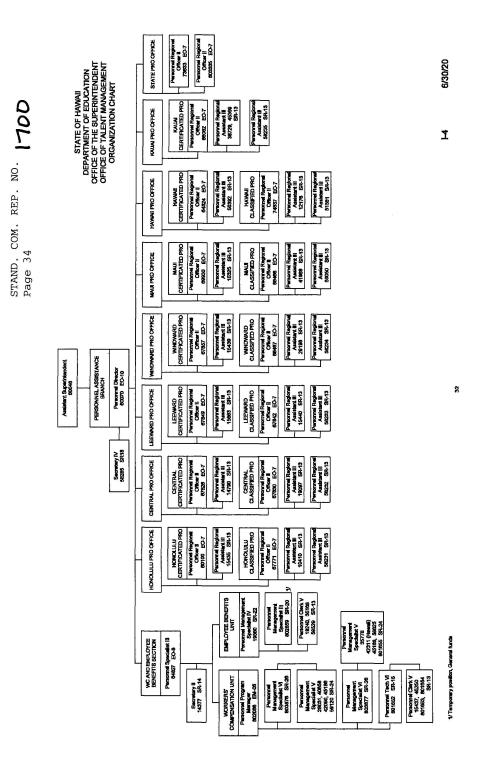
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3/ Temporary position, General funds

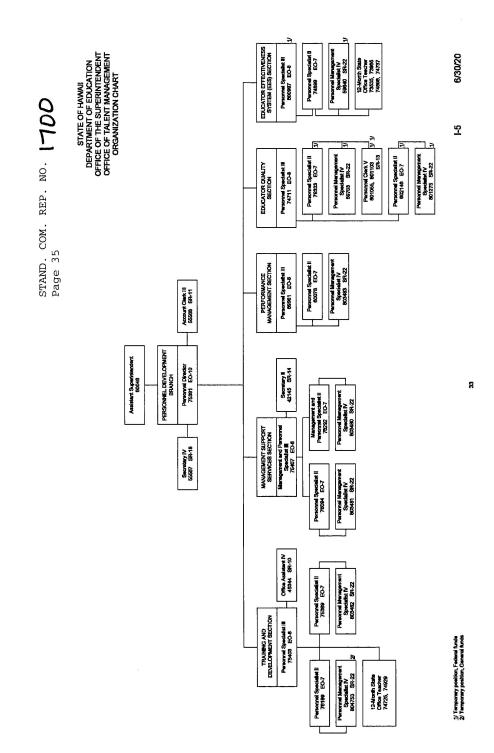
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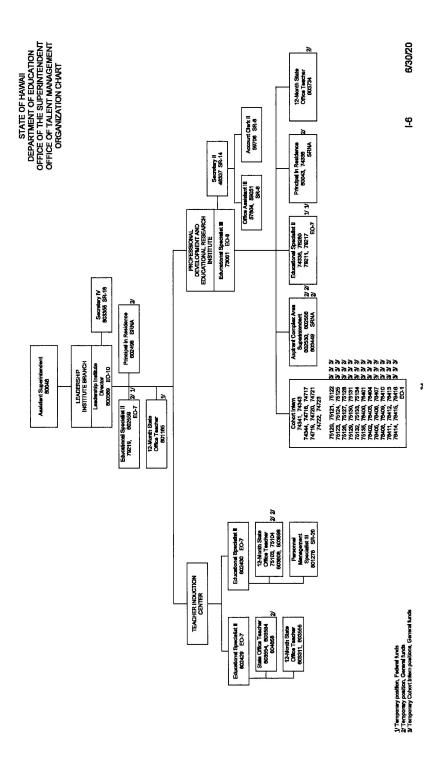


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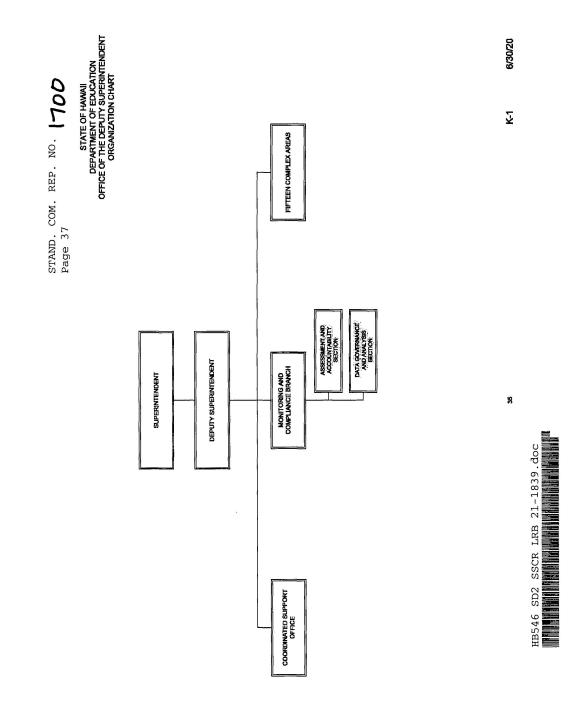


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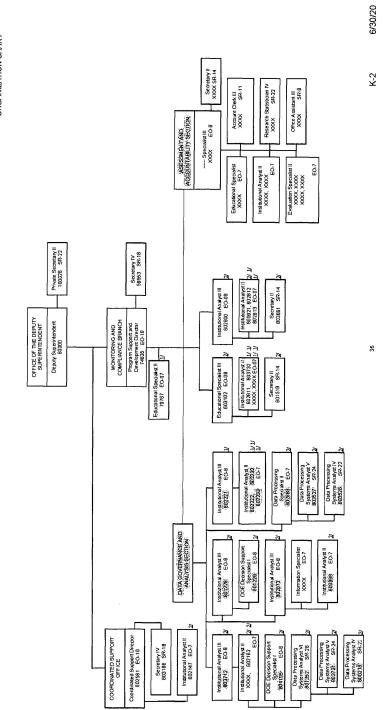


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ORGANIZATION CHART

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Temporary position, Federal funds
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