

## EIGHTH DAY

Tuesday, February 1, 2022

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022, convened at 11:34 a.m. with the President in the Chair.

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

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

## MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 3) was read by the Clerk and was placed on file:

Gov. Msg. No. 3, letter dated January 21, 2022, informing the Legislature that an Administrative Proposal will be submitted to fund the agreement concerning Collective Bargaining Unit 9.

## STANDING COMMITTEE REPORTS

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2013) recommending that S.B. No. 2821, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2821, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENSTRUAL EQUALITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2014) recommending that S.B. No. 2076, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2076, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BROADBAND SERVICE INFRASTRUCTURE," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2015) recommending that S.B. No. 2173, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2173, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BROADBAND SERVICE INFRASTRUCTURE," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Wakai, for the majority of the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2016) recommending that S.B. No. 2212, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the majority of the Committee was adopted and S.B. No. 2212, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ROBOCALLS," passed Second Reading

and was referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2017) recommending that S.B. No. 2568, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2568, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTION PICTURE, DIGITAL MEDIA, AND FILM PRODUCTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2018) recommending that S.B. No. 2079, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2079, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2019) recommending that S.B. No. 2167, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2167, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILM INFRASTRUCTURE TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2020) recommending that S.B. No. 2805, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS LOANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 2075 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2075, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2022) recommending that S.B. No. 2806 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2806, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2023) recommending that S.B. No. 2807 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2807, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2024) recommending that S.B. No. 2808 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2808, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

**ORDER OF THE DAY**

**THIRD READING**

Stand. Com. Rep. No. 2011 (S.B. No. 152):

Senator Rhoads moved that Stand. Com. Rep. No. 2011 be adopted and S.B. No. 152, having been read throughout, pass Third Reading, seconded by Senator Keohokalole.

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

"I would like to speak to correct my previous vote in committee. I do have reservations, but I absolutely support the intent of this measure to have utmost safety for our keiki in vehicle transportation. The concerns that I do have are generally around the fines—and increase in fines for the infraction—seems to be also based around poverty and for those already stretching with limited resources or without means to have proper childcare restraints, and there are other ways to approach this issue as well. I just also wanted to say that there is some lack of clarity around the age of the two-year-old versus their size in regards to the restraint, so mahalo for allowing me to speak on this in reservation."

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

"My concern is also about the increase in fines. I don't think this is the vehicle to tax families, especially where there is no written testimony of the need to increase fines. Thank you very much."

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

"I had a pretty big daughter when she was growing up. She didn't fit in a lot of the standard car seats and, at the time, they didn't have the type of booster seats they have now. And going forward, in my community, we hand down or give away or trade with families in need of car seats. For example, at the Waianae Comprehensive Health Center, they're always giving out car seats and boosters because the community can't afford it. Having these fines—and I understand the reason for it, but it

would only hurt the community and the people who are in the greatest need of assistance. Thank you, Senate President."

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

"I appreciate the comments from colleagues; I just note that Hawai'i has among the most dangerous roads of any state in the country, with more fatalities and injuries and so forth. This is a measure recommended by medical experts and our law enforcement, and the fines, to which I think folks have raised some issue, only apply in repeat-offender situations; they're not intended to penalize anybody. Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2011 was adopted and S.B. No. 152, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Acasio, Fevella, Ihara, Kim, Moriwaki, Riviere, San Buenaventura). Noes, none.

Stand. Com. Rep. No. 2012 (S.B. No. 1016, S.D. 1):

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, Stand. Com. Rep. No. 2012 was adopted and S.B. No. 1016, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**RE-REFERRAL OF SENATE BILLS**

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

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| S.B. No.:     | Re-referred to:  |
| S.B. No. 899  | Committee on Hawaiian Affairs, then to the Committee on Judiciary  |
| S.B. No. 2052 | Jointly to the Committee on Labor, Culture and the Arts and the Committee on Government Operations, then to the Committee on Ways and Means  |
| S.B. No. 2323 | Committee on Judiciary   |
| S.B. No. 2560 | Jointly to the Committee on Labor, Culture and the Arts and the Committee on Government Operations, then jointly to the Committee on Judiciary and the Committee on Ways and Means |
| S.B. No. 2701 | Jointly to the Committee on Human Services and the Committee on Education, then to the Committee on Ways and Means   |
| S.B. No. 2800 | Committee on Judiciary   |
| S.B. No. 3031 | Committee on Agriculture and Environment, then jointly to the Committee on Judiciary and the Committee on Ways and Means   |
| S.B. No. 3109 | Committee on Human Services, then jointly to the Committee on Judiciary and the Committee on Ways and Means  |
| S.B. No. 3123 | Committee on Health, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and the Committee on Ways and Means                          |

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- S.B. No. 3149 Committee on Government Operations, then jointly to the Committee on Judiciary and the Committee on Ways and Means
- S.B. No. 3208 Committee on Health, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means
- S.B. No. 3243 Committee on Energy, Economic Development, and Tourism
- S.B. No. 3267 Jointly to the Committee on Higher Education and the Committee on Labor, Culture and the Arts, then jointly to the Committee on Judiciary and the Committee on Ways and Means
- S.B. No. 3328 Committee on Water and Land, then jointly to the Committee on Judiciary and the Committee on Ways and Means
- S.B. No. 3374 Committee on Higher Education, then to the Committee on Ways and Means

At this time, the Chair announced that there would be a leadership meeting immediately following adjournment.

The Chair then thanked the women of the Senate, noting their decision to wear red was widely circulated and that every male member of the Senate had gotten the memo and was in compliance. The Chair thanked the female members for their leadership on the Lunar New Year that day.

#### **ADJOURNMENT**

At 11:42 a.m., on motion by Senator DeCoite, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 2, 2022.