

TWELFTH DAY

Monday, February 7, 2022

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022, convened at 11:39 a.m. with the President in the Chair.

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

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 630 to 651) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 630, submitting for consideration and confirmation to the Board of Dentistry, the nomination of STAPHE FUJIMOTO, term to expire June 30, 2025, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 631, submitting for consideration and confirmation to the Board of Dentistry, the nomination of JOY SHIMABUKU, term to expire June 30, 2025, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 632, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nomination of JILL KURAMOTO RANDALL, term to expire June 30, 2026, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 633, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nomination of SUSAN BROWNE, term to expire June 30, 2026, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 634, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nomination of MICHAEL MARSHALL, term to expire June 30, 2026, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 635, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of ELIZABETH KENT, term to expire June 30, 2026, was referred to the Committee on Judiciary.

Gov. Msg. No. 636, submitting for consideration and confirmation to the Law Enforcement Standards Board, the nomination of JARED REDULLA, term to expire June 30, 2024, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 637, submitting for consideration and confirmation to the Board of Directors of the Hawaii Housing Finance and Development Corporation, the nomination of GARY MACKLER, term to expire June 30, 2026, was referred to the Committee on Housing.

Gov. Msg. No. 638, submitting for consideration and confirmation to the Hawaii Green Infrastructure Authority, the nomination of DENNIS WONG, term to expire June 30, 2026, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 639, submitting for consideration and confirmation to the Hawaii Green Infrastructure Authority, the nomination of RICHARD WALLSGROVE, term to expire June 30, 2026, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 640, submitting for consideration and confirmation to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, the nomination of LILINOE KAUAHIKAUA, term to expire June 30, 2023, was referred to the Committee on Health.

Gov. Msg. No. 641, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, the nomination of MEGAN KOSAKA, term to expire June 30, 2026, was referred to the Committee on Health.

Gov. Msg. No. 642, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Oahu Service Area Board, the nomination of MARGARET JACKSON, term to expire June 30, 2026, was referred to the Committee on Health.

Gov. Msg. No. 643, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Oahu Service Area Board, the nomination of RANDOLPH HACK, term to expire June 30, 2026, was referred to the Committee on Health.

Gov. Msg. No. 644, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of MARGARET JACKSON, term to expire June 30, 2024, was referred to the Committee on Health.

Gov. Msg. No. 645, submitting for consideration and confirmation to the Island Burial Council, Island of Hawaii, the nomination of TRAVEN APIKI, term to expire June 30, 2025, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 646, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nomination of ETAN KRUPNICK, term to expire June 30, 2026, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 647, submitting for consideration and confirmation to the Crime Victim Compensation Commission, the nomination of JOSEPHINE BYRNE, term to expire June 30, 2026, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 648, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of GLORIA FERNANDEZ, term to expire June 30, 2026, was referred to the Committee on Higher Education.

Gov. Msg. No. 649, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ANNE SCHARNHORST, term to expire June 30, 2025, was referred to the Committee on Higher Education.

Gov. Msg. No. 650, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of RHOBERTA HALEY, term to expire June 30, 2024, was referred to the Committee on Higher Education.

Gov. Msg. No. 651, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of LINDA BEECHINOR, term to expire June 30, 2026, was referred to the Committee on Higher Education.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2073) recommending that S.B. No. 2351, 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. 2351, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND CONSERVATION FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2074) recommending that S.B. No. 3027, 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. 3027, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEACHES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2075) recommending that S.B. No. 3330, 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. 3330, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator San Buenaventura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2076) recommending that S.B. No. 2919, 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. 2919, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISABILITY HEALTH DISPARITY," 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. 2077) recommending that S.B. No. 2283, 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. 2283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HYDROGEN STRATEGIC PLAN," 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. 2078) recommending that S.B. No. 2570, 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. 2570, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ZERO EMISSION VEHICLE FUELING REBATES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2079) recommending that S.B. No. 2305 pass Second Reading and be referred to the Committee on Judiciary and 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. 2305, entitled: "A BILL FOR AN ACT RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2080) recommending that S.B. No. 2373 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. 2373, entitled: "A BILL FOR AN ACT RELATING TO OFFENDER REENTRY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2081) recommending that S.B. No. 2433 pass Second Reading and be referred to the Committee on Judiciary and 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. 2433, entitled: "A BILL FOR AN ACT RELATING TO OFFENDER REENTRY PROGRAMS," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2082) recommending that S.B. No. 2532 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. 2532, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2083) recommending that S.B. No. 2637 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. 2637, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2084) recommending that S.B. No. 2639 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. 2639, entitled: "A BILL FOR AN ACT RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2085) recommending that S.B. No. 2771 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. 2771, entitled: "A BILL FOR AN ACT RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2086) recommending that S.B. No. 2774 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. 2774, entitled: "A BILL FOR AN ACT RELATING TO WOMEN'S COMMUNITY CORRECTIONAL CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2087) recommending that S.B. No. 3137 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 3137, entitled: "A BILL FOR AN ACT RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM," passed Second Reading and was referred to the Committee on Judiciary.

Senator San Buenaventura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2088) recommending that S.B. No. 2437, 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. 2437, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NEIGHBOR ISLANDS BLIND AND VISUALLY IMPAIRED SERVICE PILOT PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2089) recommending that S.B. No. 2088, 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. 2088, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CAREER CRIMINAL PROSECUTION UNIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2090) recommending that S.B. No. 2087, 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. 2087, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE VICTIM WITNESS

ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2091) recommending that S.B. No. 1048, 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. 1048, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2092) recommending that S.B. No. 2757, 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. 2757, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2093) recommending that S.B. No. 3019, 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. 3019, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2094) recommending that S.B. No. 3179, 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. 3179, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the majority of the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2095) recommending that S.B. No. 3375, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and the Committee on Ways and Means.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the majority of the Committee was adopted and S.B. No. 3375, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 2096) recommending that S.B. No. 2478, 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. 2478, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," 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. 2097) recommending that S.B. No. 2511, 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. 2511, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2098) recommending that S.B. No. 832, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator DeCoite, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 832, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM-COUNSELOR PRIVILEGE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 9, 2022.

Senator Rhoads, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2099) recommending that S.B. No. 622, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2099 and S.B. No. 622, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINING ORDER VIOLATIONS," was deferred until Wednesday, February 9, 2022.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 777, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2100 and S.B. No. 777, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL DESTRUCTION OF TREES," was deferred until Wednesday, February 9, 2022.

ORDER OF THE DAY

THIRD READING

S.B. No. 741, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 741, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 448, S.D. 1:

Senator Rhoads moved that S.B. No. 448, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keohokalole.

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

"I rise in opposition to Senate Bill 448, Senate Draft 1, only because I think about the private homeowner and residents. It's going to be costly in the future to retrofit these sprinkler systems. Thank you."

The motion was put by the Chair and carried, S.B. No. 448, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fevella).

S.B. No. 665, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 665, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF CAMPAIGN FINANCE LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2056 (S.B. No. 570, S.D. 1):

Senator Rhoads moved that Stand. Com. Rep. No. 2056 be adopted and S.B. No. 570, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keohokalole.

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

"I rise to explain my reservations. Because of the removing language referencing Native Hawaiian cultural sites that still reflects the historical cultural sites, this is why I rise to vote with reservations for Senate Bill 570, S.D. 1."

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

"I don't believe all the concerns by the testifiers who provided comments has been taken care of by this bill. Thank you."

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

"I rise in reservations, and please enter into the record the previous speaker's comments."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2056 was adopted and S.B. No. 570, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF A SENATE BILL

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

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

S.B. No. 2581 Committee on Housing, then jointly to the Committee on Ways and Means and the Committee on Water and Land

ADJOURNMENT

At 11:45 a.m., on motion by Senator DeCoite, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Tuesday, February 8, 2022.