

THIRTEENTH DAY

Tuesday, February 8, 2022

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022, convened at 11:33 a.m. with the President in the Chair.

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

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

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 192 to 209) were read by the Clerk and were placed on file:

Dept. Com. No. 192, from the Department of Commerce and Consumer Affairs, dated December 21, 2021, transmitting the 2021 Annual Compliance Resolution Fund Report pursuant to Act 100, SLH 1999.

Dept. Com. No. 193, from the Department of Commerce and Consumer Affairs, dated December 21, 2021, transmitting the 2021 Annual Report of the Real Estate Commission pursuant to Sections 514B-73 and 467-4, HRS.

Dept. Com. No. 194, from the Department of Commerce and Consumer Affairs, dated December 21, 2021, transmitting the 2021 Report pursuant to Act 60, SLH 2018.

Dept. Com. No. 195, from the Department of Commerce and Consumer Affairs, dated December 21, 2021, transmitting the 2021 Annual Report on the Medical Inquiry and Conciliation Panel and Design Claim Conciliation Panel pursuant to Sections 671-20 and 672B-17, HRS.

Dept. Com. No. 196, from the Department of Commerce and Consumer Affairs, dated December 21, 2021, transmitting the 2021 Annual Report on the (1) Development and Expansion of Telework Initiatives and (2) Receipt and Expenditure of Federal Moneys Related to Broadband pursuant to Section 440G-11.5, HRS.

Dept. Com. No. 197, from the Department of Commerce and Consumer Affairs, dated December 21, 2021, transmitting the 2021 Annual Report on Administratively Established Accounts and Funds of the Department of Commerce and Consumer Affairs for Fiscal Year 2021 pursuant to Section 37-52.5, HRS.

Dept. Com. No. 198, from the Department of Commerce and Consumer Affairs, dated December 21, 2021, transmitting the 2021 Annual Report of the Insurance Commissioner of Hawaii pursuant to Section 431:2-211, HRS.

Dept. Com. No. 199, from the Department of Commerce and Consumer Affairs, dated December 21, 2021, transmitting the 2021 Annual External Review Report pursuant to Section 432E-13, HRS.

Dept. Com. No. 200, from the Department of Human Services, dated December 21, 2021, transmitting the Report Submitted in Accordance with Provisions of Act 177, Session Laws of Hawaii 2018, Related to the East Hawaii Child Welfare Services Pilot Project pursuant to Act 177, SLH 2018.

Dept. Com. No. 201, from the Department of Health, dated December 21, 2021, transmitting an update regarding the establishment of a working group to evaluate current behavioral health care and related systems pursuant to Act 154, SLH 2021.

Dept. Com. No. 202, from the Department of Budget and Finance, dated December 20, 2021, transmitting the FY 20 and 21 Routine Repair and Maintenance Report pursuant to Act 233, SLH 2016.

Dept. Com. No. 203, from the University of Hawai'i, dated December 22, 2021, transmitting the Annual Report on Campus Safety and Accountability pursuant to Section 304A-120, HRS.

Dept. Com. No. 204, from the University of Hawai'i, dated December 22, 2021, transmitting the Annual Report on the Mauna Kea Lands pursuant to Section 304A-1905, HRS.

Dept. Com. No. 205, from the University of Hawai'i, dated December 22, 2021, transmitting the Annual Report on University of Hawai'i Risk Management Special Fund pursuant to Section 304A-2151, HRS.

Dept. Com. No. 206, from the University of Hawai'i, dated December 22, 2021, transmitting the Annual Report on University of Hawai'i Tuition and Fees Special Fund Expenditures for the Purpose of Generating Private Donations pursuant to Section 304A-2153, HRS.

Dept. Com. No. 207, from the University of Hawai'i, dated December 22, 2021, transmitting the Report from the RCUH Task Force pursuant to S.R. No. 148 (2021).

Dept. Com. No. 208, from the Office of the Auditor, dated December 22, 2021, transmitting the Financial and Program Audit of the Department of Health's Deposit Beverage Container Program, June 30, 2020, Report No. 21-13, pursuant to Section 342G-107, HRS.

Dept. Com. No. 209, from the Department of Budget and Finance, dated December 17, 2021, transmitting the Hawaii Employer-Union Health Benefits Trust Fund's Annual Report for FY Ending June 30, 2021, pursuant to Section 87A-25, HRS.

JUDICIARY COMMUNICATIONS

The following communications from the Judiciary (Jud. Com. Nos. 10 to 22) were read by the Clerk and were placed on file:

Jud. Com. No. 10, dated December 21, 2021, transmitting the Report on Non-General Funds pursuant to Section 601-3.2, HRS.

Jud. Com. No. 11, dated December 21, 2021, transmitting the Report on the Spouse and Child Abuse Special Account pursuant to Section 601-3.6, HRS.

Jud. Com. No. 12, dated December 21, 2021, transmitting the Report on Continuous Alcohol Monitoring for Repeat Offenders pursuant to Section 291E-6.5, HRS.

Jud. Com. No. 13, dated December 21, 2021, transmitting the Report on the Number of Complaints Against Court-Appointed Child Custody Evaluators pursuant to Section 571-46.4, HRS.

Jud. Com. No. 14, dated December 21, 2021, transmitting the Report on the Statewide Substance Abuse Treatment Monitoring Program pursuant to Section 601-21, HRS.

Jud. Com. No. 15, dated December 21, 2021, transmitting the Report on the Parent Education Special Fund pursuant to Section 607-5.6, HRS.

Jud. Com. No. 16, dated December 21, 2021, transmitting the Report on Parental Preferences in Government Contracts pursuant to Section 577-7.5, HRS.

Jud. Com. No. 17, dated December 21, 2021, transmitting the Biennial Report on the Indigent Legal Assistance Fund pursuant to Section 607-5.7, HRS.

Jud. Com. No. 18, dated December 21, 2021, transmitting the Report on FY 2021 Repair and Maintenance in Judiciary-Owned Facilities pursuant to Section 601-2, HRS.

Jud. Com. No. 19, dated December 21, 2021, transmitting the Judiciary's Center for Alternative Dispute Resolution 2021 Annual Report pursuant to Section 613-4, HRS.

Jud. Com. No. 20, dated December 21, 2021, transmitting the King Kamehameha V Judiciary History Center's 2021 Annual Report pursuant to Section 6F-6, HRS.

Jud. Com. No. 21, dated December 21, 2021, transmitting a revision to the Report on FY 2021 Non-General Funds pursuant to Section 37-47, HRS.

Jud. Com. No. 22, dated December 22, 2021, transmitting the Report on the Criminal Justice Research Institute pursuant to Act 179, SLH 2019, and Section 614-3, HRS.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2101) recommending that S.B. No. 2863, 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. 2863, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEMININE HYGIENE PRODUCTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2102) recommending that S.B. No. 2423 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. 2423, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM," passed Second Reading and was referred to the Committee on Judiciary.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2103) recommending that S.B. No. 2438, 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 Committee was adopted and S.B. No. 2438, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2104) recommending that S.B. No. 2011 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. 2011, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2105) recommending that S.B. No. 2125 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. 2125, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2106) recommending that S.B. No. 2392, 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. 2392, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL LEGAL SERVICES," 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. 2107) recommending that S.B. No. 2178 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. 2178, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO CHANGE THE AGE QUALIFICATION FOR VOTING IN STATE OR LOCAL ELECTIONS," 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. 2108) recommending that S.B. No. 2377 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. 2377, entitled: "A BILL FOR AN ACT RELATING TO STATE TAX EXAMINATIONS," 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. 2109) recommending that S.B. No. 2162 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. 2162, entitled: "A BILL FOR AN ACT RELATING TO RANKED CHOICE VOTING," 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. 2110) recommending that S.B. No. 2663 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. 2663, entitled: "A BILL FOR AN ACT RELATING TO FILING FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2111) recommending that S.B. No. 2184 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. 2184, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL LEARNING," 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. 2112) recommending that S.B. No. 2452 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. 2452, 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. 2113) recommending that S.B. No. 3211 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. 3211, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY IN RURAL DISTRICTS," 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. 2114) recommending that S.B. No. 2616, 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. 2616, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND RESCUE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Shimabukuro, for the majority of the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2115) recommending that S.B. No. 2607 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. 2607, entitled: "A BILL FOR AN ACT RELATING TO INDEPENDENT LEGAL COUNSEL," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senators Shimabukuro and Wakai, for the Committee on Hawaiian Affairs and the Committee on Energy, Economic Development, and Tourism, presented a joint report (Stand. Com. Rep. No. 2116) recommending that S.B. No. 3195, 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 joint report of the Committees was adopted and S.B. No. 3195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Shimabukuro, for the majority of the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2117) recommending that S.B. No. 2605 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. 2605, entitled: "A BILL FOR AN ACT RELATING TO INDEPENDENT LEGAL COUNSEL," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2118) recommending that S.B. No. 3101, 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. 3101, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX EXEMPTION," 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. 2119) recommending that S.B. No. 2857, 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. 2857, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELLNESS," 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. 2120) recommending that S.B. No. 1411, as amended in S.D. 1, 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. 1411, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2121) recommending that S.B. No. 2106, 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 Committee was adopted and S.B. No. 2106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2122) recommending that S.B. No. 2724, 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. 2724, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEA LEVEL RISE ADAPTATION," 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. 2123) recommending that S.B. No. 2766, 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. 2766, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO LAND USE,” 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. 2124) recommending that S.B. No. 2767, 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. 2767, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FISH AGGREGATION DEVICES,” 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. 2125) recommending that S.B. No. 2108, 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 Committee was adopted and S.B. No. 2108, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY,” passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

ORDER OF THE DAY

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. 2027 | Committee on Judiciary |
| S.B. No. 2281 | Committee on Health, then to the Committee on Commerce and Consumer Protection |
| S.B. No. 3283 | Committee on Ways and Means |

At this time, Senator Keohokalole introduced members of his staff who were seated in the gallery: session staff Jonathan Wong, who had offered a moment of contemplation prior to the Senate’s floor session; office manager Jules Peleiholani; and clerk/policy coordinator Kaila Kaawaloa.

The Chair announced that there would be a leadership meeting immediately following adjournment.

ADJOURNMENT

At 11:37 a.m., on motion by Senator DeCoite, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 9, 2022.