

## TWENTY-SECOND DAY

## Tuesday, February 22, 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, Dela Cruz, Gabbard, Ihara, Kanuha, Keohokalole, Misalucha, Moriwaki, Rhoads, San Buenaventura, Shimabukuro, Taniguchi, and Wakai present and participating via videoconference, and with the exception of Senator Nishihara who was excused.

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

At this time, Senator Riviere introduced members of his staff who were seated in the gallery: legislative aide Mark Clemente, who had offered a moment of contemplation prior to the Senate's floor session; office manager Margarete Olson; and session assistant Peter Moala.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 683 to 699) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 683, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of AIMEE BARNES, term to expire June 30, 2025, was referred to the Committee on Water and Land.

Gov. Msg. No. 684, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of DOREEN CANTO, term to expire June 30, 2025, was referred to the Committee on Water and Land.

Gov. Msg. No. 685, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of RILEY SMITH, term to expire June 30, 2026, was referred to the Committee on Water and Land.

Gov. Msg. No. 686, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of WESLEY YOON, term to expire June 30, 2026, was referred to the Committee on Water and Land.

Gov. Msg. No. 687, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of KAREN ONO, term to expire June 30, 2024, was referred to the Committee on Water and Land.

Gov. Msg. No. 688, submitting for consideration and confirmation to the Advisory Committee On Pesticides, the nomination of STEVE RUSSO, term to expire June 30, 2025, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 689, submitting for consideration and confirmation to the Early Learning Board, the nomination of MEI OU, term to expire June 30, 2024, was referred to the Committee on Education.

Gov. Msg. No. 690, submitting for consideration and confirmation to the Hawaii Historic Places Review Board, the nomination of NICHOLAS BELLUZZO, term to expire June 30, 2025, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 691, submitting for consideration and confirmation to the Hawaii Workforce Development Council, the nomination of TRANG MALONE, term to expire June 30,

2025, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 692, submitting for consideration and confirmation to the Hawaii Workforce Development Council, the nomination of KEITH DEMELLO, term to expire June 30, 2025, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 693, submitting for consideration and confirmation to the Hawaii Workforce Development Council, the nomination of GERALD SCHMITZ, term to expire June 30, 2022, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 694, submitting for consideration and confirmation to the Hawaii Workforce Development Council, the nomination of GERALD SCHMITZ, term to expire June 30, 2026, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 695, submitting for consideration and confirmation to the Hawaii Workforce Development Council, the nomination of DION DIZON, term to expire June 30, 2023, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 696, submitting for consideration and confirmation to the Hawaii Workforce Development Council, the nomination of SCOTT COLLINS, term to expire June 30, 2024, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 697, informing the Senate that on February 16, 2022, the Governor withdrew the nomination of CHERYL GUZIKOWSKI to the Mental Health and Substance Abuse, Oahu Service Area Board, under Gov. Msg. No. 537, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 697, the nomination listed under Gov. Msg. No. 537 was returned.

Gov. Msg. No. 698, informing the Senate that on February 15, 2022, the Governor withdrew RENEE RIVERA to the State Council on Mental Health, under Gov. Msg. No. 539, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 698, the nomination listed under Gov. Msg. No. 539 was returned.

Gov. Msg. No. 699, informing the Senate that on February 15, 2022, the Governor withdrew RENEE RIVERA to the State Council on Mental Health, under Gov. Msg. No. 540, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 699, the nomination listed under Gov. Msg. No. 540 was returned.

## ORDER OF THE DAY

## THIRD READING

S.B. No. 2059, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ihara and carried, S.B. No. 2059, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SYMBOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2701 (S.B. No. 2639):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2701 was adopted and S.B. No. 2639, entitled: "A BILL FOR AN ACT RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2702 (S.B. No. 2766, S.D. 1):

Senator Dela Cruz moved that Stand. Com. Rep. No. 2702 be adopted and S.B. No. 2766, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

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

"I just would like to defer to the expertise of the Land Use Commission on this particular measure and, in general, support the position of home rule for counties. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2702 was adopted and S.B. No. 2766, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Ihara). Noes, 1 (Acasio). Excused, 1 (Nishihara).

Stand. Com. Rep. No. 2703 (S.B. No. 2767, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2703 was adopted and S.B. No. 2767, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISH AGGREGATION DEVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2704 (S.B. No. 2056, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2704 was adopted and S.B. No. 2056, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOIL CLASSIFICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2705 (S.B. No. 2150, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2705 was adopted and S.B. No. 2150, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2706 (S.B. No. 2681, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2706 was adopted and S.B. No. 2681, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Acasio, Fevella, Ihara). Noes, none. Excused, 1 (Nishihara).

Stand. Com. Rep. No. 2707 (S.B. No. 2759, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2707 was adopted and S.B. No. 2759, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF WATER RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2708 (S.B. No. 2770, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2708 was adopted and S.B. No. 2770, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2709 (S.B. No. 2771, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2709 was adopted and S.B. No. 2771, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2710 (S.B. No. 3046, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2710 was adopted and S.B. No. 3046, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Acasio). Noes, none. Excused, 1 (Nishihara).

Stand. Com. Rep. No. 2711 (S.B. No. 3075, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2711 was adopted and S.B. No. 3075, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Nishihara).

Stand. Com. Rep. No. 2712 (S.B. No. 3094, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2712 was adopted and S.B. No. 3094, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR A VIRTUAL SCHOOL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2713 (S.B. No. 3095, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2713 was adopted and S.B. No. 3095, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO

THE DEPARTMENT OF EDUCATION FOR A MAINTENANCE BASE YARD,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2714 (S.B. No. 3098, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2714 was adopted and S.B. No. 3098, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR LEAD ABATEMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2715 (S.B. No. 3130, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2715 was adopted and S.B. No. 3130, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSFERABILITY OF MOORING PERMITS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2716 (S.B. No. 3134, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2716 was adopted and S.B. No. 3134, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE PAYMENT OF DEBT SERVICE ON THE TURTLE BAY REIMBURSABLE GENERAL OBLIGATION BONDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### RE-REFERRAL OF SENATE BILLS

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

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

S.B. No. 2023, Jointly to the Committee on Water and Land and the Committee on Agriculture and Environment, then jointly to the Committee on Ways and Means and the Committee on Judiciary

S.B. No. 2076, Committee on Energy, Economic Development, and Tourism, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means

S.B. No. 2636, Jointly to the Committee on Education and the Committee on Higher Education, then jointly to the Committee on Judiciary and the Committee on Ways and Means

#### RE-REFERRAL OF A MESSAGE FROM THE GOVERNOR

The Chair re-referred the following message from the Governor that was received:

Gov. Msg. No.: Re-referred to:

Gov. Msg. No. 690 Committee on Water and Land

At this time, Senator Kidani rose to speak on a point of personal privilege as follows:

“Mr. President, at the risk of repeating myself, the Trojan Nation in Mililani is celebrating another sports championship. On Saturday night, the Mililani boys soccer team took on the mighty Hurricanes of Kapolei, weathering the storm 2–1 to win the OIA Division I title. As noted in media reports on the match, the Trojan boys went undefeated in 13 games this season, outscoring opponents 74–4. Congratulations to Coach Steve McGehee and the team and to everyone who contributed to the team’s success—and now it’s on to the state championship tournament that begins next week. Kapolei will be there, too. May the best team win. Thank you, Mr. President.”

The Chair made the following comments:

“I would like to say, on Friday afternoon, the governor and I, along with the superintendent, gave welcoming remarks to the digital media students who were in the STN national competition. Instead of being in Long Beach, California, they were participating virtually from Hilton Hawaiian Village with 17 schools, and I believe one school participated virtually from Maui. When the results were announced this morning, the Hawai’i schools won over 20 percent of the awards, led by Moanalua High School with nine and Waena Intermediate School with six, and so we had an outstanding weekend by students all across the state. I’m not going to belabor the point that Kaua’i High School had won first place in a result and that Chiefess Kamakahelei Middle School of Kaua’i had won first place out of all of those awards. So congratulations to all of the students.”

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

#### ADJOURNMENT

At 11:43 a.m., on motion by Senator DeCoite, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 23, 2022.