

## THIRTY-FIFTH DAY

Tuesday, March 22, 2022

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022, convened at 11:42 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with the exception of Senator Lee who was excused.

The President announced that he had read and approved the Journal of the Thirty-Fourth Day.

At this time, Senator Keohokalole recognized students from Kalaheo High School. Senator Keohokalole noted that all proceedings on the Senate floor are recorded in the Journal for distribution to the public in perpetuity, and that this was the first group from his district to return to the Capitol. Senator Keohokalole then introduced student activities coordinator Mr. Richard Lau, English teacher Ms. Krystal Sato, and students MacKenzie Brammer, Emma Bredeman, Kawehi Bringas, Andraya Dudulao, Jessibelle Kahaulopua-Young, Ahryanna McGuirk, Simona Richard, and Charles Vincent. Senator Keohokalole commented to the visitors that not only would their names be featured in the Journal in perpetuity, they were now also recorded on YouTube as well.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 766 to 768) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 766, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of SCOTT WONG, term to expire June 30, 2024, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 767, submitting for consideration and confirmation to the Real Estate Commission, the nomination of RUSSELL KYONO, term to expire June 30, 2026, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 768, submitting for consideration and confirmation to the Real Estate Commission, the nomination of JOHN LOVE, term to expire June 30, 2026, was referred to the Committee on Commerce and Consumer Protection.

## SENATE COMMUNICATION

The following communication (Sen. Com. No. 2) was read by the Clerk and was placed on file:

Sen. Com. No. 2, notice to Governor dated March 21, 2022, transmitting S.B. No. 2089, S.D. 2; S.B. No. 2178, S.D. 1; S.B. No. 3186, S.D. 2; and S.B. No. 3254, S.D. 1, which propose amendments to the Hawai'i State Constitution and reads as follows:

"March 21, 2022

The Honorable David Y. Ige  
Governor of the State of Hawai'i  
State Capitol  
Honolulu, Hawai'i 96813

Dear Governor Ige:

In accordance with the provisions of Article XVII, Section 3 of the Hawai'i State Constitution, written notice is hereby given of the final form of the following bills, copies of which are attached hereto:

S.B. No. 2089, S.D. 2

"PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 25, OF THE HAWAII CONSTITUTION REGARDING CRIMES AGAINST MINORS."

S.B. No. 2178, S.D. 1

"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."

S.B. No. 3186, S.D. 2

"PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO REPEAL THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL."

S.B. No. 3254, S.D. 1

"PROPOSING AMENDMENTS TO ARTICLE IV, SECTIONS 4 AND 6, OF THE HAWAII STATE CONSTITUTION REGARDING REAPPORTIONMENT."

Respectfully,

/s/Carol Taniguchi  
CAROL TANIGUCHI  
Clerk of the Senate"

## JUDICIARY COMMUNICATIONS

The following communications from the Judiciary (Jud. Com. Nos. 23 and 24) were read by the Clerk and were disposed of as follows:

Jud. Com. No. 23, submitting for consideration and confirmation to the District Court of the First Circuit, the appointment of SHELLIE K. PARK-HOAPILI, for a term of six years, was referred to the Committee on Judiciary.

Jud. Com. No. 24, submitting for consideration and confirmation to the District Family Court of the First Circuit, the appointment of NATASHA R. SHAW, for a term of six years, was referred to the Committee on Judiciary.

## STANDING COMMITTEE REPORTS

Senator Rhoads, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3303) recommending that H.B. No. 1456, H.D. 1, 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 majority of the Committee was adopted and H.B. No. 1456, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT IN THE SECOND DEGREE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 24, 2022.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3304) recommending that H.B. No. 124, H.D. 1, 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 H.B. No. 124, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 3305) recommending that H.B. No. 1828, H.D. 3, 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 H.B. No. 1828, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION BOARD OF REVIEW," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keohokalole, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3306) recommending that H.B. No. 1579, H.D. 2, 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 H.B. No. 1579, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keohokalole, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3307) recommending that H.B. No. 1743, H.D. 1, 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 H.B. No. 1743, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOLS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Keohokalole, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3308) recommending that H.B. No. 2058, H.D. 1, 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 H.B. No. 2058, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER EMERGENCY DEPARTMENT," 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. 3309) recommending that H.B. No. 1809, H.D. 3, 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 H.B. No. 1809, H.D. 3, 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 San Buenaventura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3310) recommending that H.B. No. 2233, H.D. 1, 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 H.B. No. 2233, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 3311) recommending that H.B. No. 2206, H.D. 1, 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 H.B.

No. 2206, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 3312) recommending that H.B. No. 1488, H.D. 1, 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 H.B. No. 1488, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCE FOR TUITION PURPOSES," 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. 3313) recommending that H.B. No. 1739, H.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 H.B. No. 1739, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 3314) recommending that H.B. No. 2169, H.D. 1, 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 H.B. No. 2169, H.D. 1, S.D. 1, 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 Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 3315) recommending that H.B. No. 2309, H.D. 2, 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 H.B. No. 2309, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCARCERATION," 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. 3316) recommending that H.B. No. 2312, H.D. 1, 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 H.B. No. 2312, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRISON REFORM," 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. 3317) recommending that H.B. No. 2344, H.D. 2, 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 H.B. No. 2344, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," 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. 3318) recommending that H.B. No. 1669, H.D. 1, 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 H.B. No. 1669, H.D. 1, 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.

Senators Inouye and Gabbard, for the Committee on Water and Land and the Committee on Agriculture and Environment, presented a joint report (Stand. Com. Rep. No. 3319) recommending that H.B. No. 1497, H.D. 1, 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 H.B. No. 1497, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Gabbard, for the Committee on Water and Land and the Committee on Agriculture and Environment, presented a joint report (Stand. Com. Rep. No. 3320) recommending that H.B. No. 1769, H.D. 1, 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 H.B. No. 1769, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RAPID OHIA DEATH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Gabbard, for the Committee on Water and Land and the Committee on Agriculture and Environment, presented a joint report (Stand. Com. Rep. No. 3321) recommending that H.B. No. 2431, H.D. 2, 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 H.B. No. 2431, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABLE FOOD SYSTEMS," 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. 3322) recommending that S.C.R. No. 64, as amended in S.D. 1, 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.C.R. No. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT NAPILI, KAA NAPALI, MAUI, FOR A PORTION OF STAIRS FOR PUBLIC BEACH ACCESS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE STAIRS CONSTRUCTED

THEREON," was referred to the Committee on Ways and Means.

Senator Lee, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 3323) recommending that H.B. No. 1619, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection 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 H.B. No. 1619, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEER-TO-PEER CAR-SHARING INSURANCE REQUIREMENTS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3324) recommending that the Senate advise and consent to the nomination of WILLIAM CURTIS to the Taxation Board of Review, in accordance with Gov. Msg. No. 583.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3324 and Gov. Msg. No. 583 was deferred until Wednesday, March 23, 2022.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3325) recommending that the Senate advise and consent to the nomination of RICHARD ROVELSTAD to the Taxation Board of Review, in accordance with Gov. Msg. No. 584.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3325 and Gov. Msg. No. 584 was deferred until Wednesday, March 23, 2022.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3326) recommending that the Senate advise and consent to the nomination of VALERIE PERALTO to the Taxation Board of Review, in accordance with Gov. Msg. No. 585.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3326 and Gov. Msg. No. 585 was deferred until Wednesday, March 23, 2022.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3327) recommending that the Senate advise and consent to the nomination of DARRYL KOMO to the Taxation Board of Review, in accordance with Gov. Msg. No. 586.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3327 and Gov. Msg. No. 586 was deferred until Wednesday, March 23, 2022.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3296 (Gov. Msg. Nos. 578, 579, 580, and 581):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3296 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Oahu of the following:

LYNETTE CRUZ, term to expire June 30, 2023 (Gov. Msg. No. 578);

BENJAMIN SHAFER, term to expire June 30, 2024 (Gov. Msg. No. 579);

BRICKWOOD GALUTERIA, term to expire June 30, 2025 (Gov. Msg. No. 580); and

CHARLES EHRHORN, term to expire June 30, 2023 (Gov. Msg. No. 581),

seconded by Senator Keohokalole.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3297 (Gov. Msg. No. 704):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3297 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of VERNON KALANIKAU to the Island Burial Council, Islands of Maui and Lanai, term to expire June 30, 2023, seconded by Senator Keohokalole.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3298 (Gov. Msg. No. 703):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3298 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of BRUCE ROBINSON to the Island Burial Council, Islands of Kauai and Niihau, term to expire June 30, 2025, seconded by Senator Keohokalole.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3299 (Gov. Msg. No. 702):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3299 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of DESMON HAUMEA to the Island Burial Council, Island of Hawaii, term to expire June 30, 2026, seconded by Senator Keohokalole.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3300 (Gov. Msg. No. 645):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3300 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of TRAVEN APIKI to the Island Burial Council, Island of Hawaii, term to expire June 30, 2025, seconded by Senator Keohokalole.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3301 (Gov. Msg. No. 582):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3301 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of BARBARA SAY to the Island Burial Council, Islands of Kauai and Niihau, term to expire June 30, 2025, seconded by Senator Keohokalole.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3302 (Gov. Msg. No. 577):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3302 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of PAULINE NAMUO to the Hawaiian Homes Commission, term to expire June 30, 2026, seconded by Senator Keohokalole.

Senator Shimabukuro rose to speak in support of the nominee as follows:

“Ms. Namuo has 32 years of experience in Hawai‘i government, with 24 in the state Judiciary and 8 in the executive branch. Furthermore, she has been a substitute teacher in the DOE since 2004. Ms. Namuo has served on the Hawaiian Homes Commission since 2018. Beyond these considerable qualifications, Ms. Namuo’s varied governmental experience includes being the deputy director of administration at the Department of Public Safety, legislative coordinator of the Office of the Governor, administrator of the state Judiciary Division of Driver Education & Training, along with various other positions dealing with human resources, statistics, training, information technology, and legislative services. Based on this, I urge my colleagues to vote to confirm her. Thank you.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

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

Senator Shimabukuro introduced Pauline Namuo, newly confirmed member of the Hawaiian Homes Commission, who was present in the gallery with Deputy Director Tyler Gomes and legislative analyst Lehua Kinilau from the Department of Hawaiian Home Lands.

Senator Keohokalole, Chair of the Committee on Health, requested a waiver of the public notice requirement pursuant to Senate Rule 21 for H.B. No. 1635, H.D. 2.

The Chair granted the waiver.

Senator Keohokalole announced that the Committee on Health would be holding a decision-making meeting on the measure the following afternoon at 1:35 p.m. in Conference Room 225.

Senator Inouye introduced members of her staff who were seated in the gallery: office manager Tammie Kotani, committee clerk Brad Knowlton, and Mel Ah Ching, formerly of Honoka‘a in her district.

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

#### ADJOURNMENT

At 11:50 a.m., on motion by Senator DeCoite, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 23, 2022.