

THIRTY-NINTH DAY

Tuesday, March 29, 2022

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022, convened at 11:43 a.m. with the President in the Chair.

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

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

At this time, Senator Kidani recognized Department of Education Interim Superintendent Keith Hayashi, who had offered a moment of contemplation prior to the Senate's floor session and who was present in the gallery with Camille Masutomi, chief of staff; Kate Stanley, senior advisor; and Nanea Kalani, communications director. Senator Kidani then acknowledged two classroom teachers who were at the Capitol on behalf of their campus, Nānākuli High & Intermediate School, and on behalf of the Hawaii State Teachers Association. Seated in the gallery were Lani Alo-Chu, from HSTA's Leeward District Government Relations Committee and teacher at Ho'opulapula Academy at Nānākuli High & Intermediate School, and Julie Reyes Oda, HSTA Leeward District president and head of the math department at Nānākuli High & Intermediate School. Senator Kidani noted that Ms. Reyes Oda had co-authored a recent column in *Civil Beat* reminding readers that the Hawai'i State Constitution obligates the Department of Education to provide Hawaiian immersion and cultural programs as part of public school curricula, which was something her colleagues should keep in mind as they conducted their work. Senator Kidani thanked Ms. Alo-Chu and Ms. Reyes Oda for their work.

Senator Kidani then introduced members of her staff: committee clerk Scott Fuji, office manager Danicia Honda, legislative aide Jade Snow, and session staff Kate Ozawa and Jim Manke. Senator Kidani then acknowledged Senate Communications staff: Director Jacob Aki, Deputy Director Michi Moore, and Chelsea Brinegar.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 781 to 797 and 1102) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 781, submitting for consideration and confirmation to the Law Enforcement Standards Board, the nomination of SHERRY BIRD, term to expire June 30, 2025, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 782, submitting for consideration and confirmation to the Law Enforcement Standards Board, the nomination of CRAIG TANAKA, term to expire June 30, 2025, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 783, submitting for consideration and confirmation to the Early Learning Board, the nomination of BENJAMIN NAKI III, term to expire June 30, 2025, was referred to the Committee on Education.

Gov. Msg. No. 784, submitting for consideration and confirmation to the Early Learning Board, the nomination of KERRIE UROSEVICH, term to expire June 30, 2025, was referred to the Committee on Education.

Gov. Msg. No. 785, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the

nomination of HILARY OKUMURA, term to expire June 30, 2025, was referred to the Committee on Health.

Gov. Msg. No. 786, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of HOWARD LESSER, term to expire June 30, 2025, was referred to the Committee on Human Services.

Gov. Msg. No. 787, submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of DEJA OSTROWSKI, term to expire June 30, 2026, was referred to the Committee on Judiciary.

Gov. Msg. No. 788, submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of TAMARIN MCCARTIN, term to expire June 30, 2025, was referred to the Committee on Judiciary.

Gov. Msg. No. 789, submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of MARISA ADARO, term to expire June 30, 2025, was referred to the Committee on Judiciary.

Gov. Msg. No. 790, submitting for consideration and confirmation to the Enhanced 911 Board, the nomination of REBECCA LIEBERMAN, term to expire June 30, 2025, was referred to the Committee on Government Operations.

Gov. Msg. No. 791, submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nomination of BENEDICT LEE, term to expire June 30, 2026, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 792, submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nomination of DENBY RALL, term to expire June 30, 2026, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 793, submitting for consideration and confirmation to the Greenhouse Gas Sequestration Task Force, the nomination of JUSTINE NIHIPALI, term to expire June 30, 2025, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 794, submitting for consideration and confirmation to the Greenhouse Gas Sequestration Task Force, the nomination of SUSAN CROW, term to expire June 30, 2024, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 795, submitting for consideration and confirmation to the Greenhouse Gas Sequestration Task Force, the nomination of JONATHAN DEENIK, term to expire June 30, 2023, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 796, submitting for consideration and confirmation to the Board of Directors of the Pacific International Space Center for Exploration Systems, the nomination of RODRIGO ROMO, term to expire June 30, 2023, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 797, submitting for consideration and confirmation to the Board of Directors of the Pacific International Space Center for Exploration System, the nomination of AMBER IMAI-HONG, term to expire June 30, 2026, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 1102, informing the Senate that on March 28, 2022, the Governor signed into law House Bill No. 1541 as Act 2, entitled: "RELATING TO CRIMINAL COMPLAINTS," was placed on file.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 359) was read by the Clerk and was placed on file:

Hse. Com. No. 359, informing the Senate that on March 28, 2022, the House disagreed to the amendments proposed by the Senate to H.B. No. 1456, H.D. 1 (S.D. 1).

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3514) recommending that S.C.R. No. 61, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING HEALTH INSURANCE COVERAGE FOR HEARING AIDS," 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. 3515) recommending that S.C.R. No. 62, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SOCIAL AND FINANCIAL ASSESSMENT OF PROPOSED MANDATORY HEALTH INSURANCE COVERAGE," 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. 3516) recommending that H.B. No. 2111, 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 Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 2111, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 31, 2022.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3517) recommending that H.B. No. 2112, 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 Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 2112, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT FOR REINSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 31, 2022.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3509 (Gov. Msg. Nos. 614, 615, 616, 617, 618, 619, 620, and 621):

Senator Wakai moved that Stand. Com. Rep. No. 3509 be received and placed on file, seconded by Senator Misalucha and carried.

Senator Wakai then moved that the Senate advise and consent to the nominations to the Hawaii Technology Development Corporation of the following:

CRAIG NAKANISHI, term to expire June 30, 2022 (Gov. Msg. No. 614);

CRAIG NAKANISHI, term to expire June 30, 2026 (Gov. Msg. No. 615);

SANDRA FUJIYAMA, term to expire June 30, 2023 (Gov. Msg. No. 616);

EDWARD BARNABAS, term to expire June 30, 2022 (Gov. Msg. No. 617);

EDWARD BARNABAS, term to expire June 30, 2026 (Gov. Msg. No. 618);

BERNICE GLENN, term to expire June 30, 2023 (Gov. Msg. No. 619);

VINCENT KIMURA, term to expire June 30, 2024 (Gov. Msg. No. 620); and

RICK VOLNER JR., term to expire June 30, 2024 (Gov. Msg. No. 621),

seconded by Senator Misalucha.

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

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

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM MONDAY, MARCH 28, 2022

Stand. Com. Rep. No. 3510 (S.C.R. No. 3, S.D. 1):

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ADDITION OF A PORTION OF STATE SUBMERGED LANDS TO A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE RECLAIMED LANDS AT WAILUPE, HONOLULU, OAHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Stand. Com. Rep. No. 3511 (S.C.R. No. 4, S.D. 1):

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 4, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAHALUU, KOOLAUPOKO, OAHU, FOR THE EXISTING SEAWALL, STEPS, AND FILLED LAND, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Stand. Com. Rep. No. 3512 (S.C.R. No. 5, S.D. 1):

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 5, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, HOUSE, ROCK WALL, AND LANDSCAPE AREA, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

THIRD READING

Stand. Com. Rep. No. 3513 (H.B. No. 2392, H.D. 1, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 3513 was adopted and H.B. No. 2392, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF A SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

S.C.R. No.: Re-referred to:

S.C.R. No. 106 Committee on Agriculture and Environment

RE-REFERRAL OF A SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

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

S.R. No. 93 Committee on Agriculture and Environment

At this time, Senator Baker, on behalf of the Women's Legislative Caucus, reminded her colleagues that the caucus was in the process of collecting Easter baskets to be provided to a variety of nonprofit organizations. Senator Baker expressed the caucus's hope that each member would make at least one basket for the annual drive, noting that finished baskets could be brought to her office. Senator Baker further noted that the baskets would need to be finished by April 7th and that they would be delivered that day. Senator Baker thanked those who would be participating.

The Chair made the following announcement:

"The deadline to file standing committee reports on Senate concurrent resolutions that need to move laterally to the final committee is 5:00 p.m. this afternoon."

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

STANDING COMMITTEE REPORTS

On motion by Senator Kanuha, seconded by Senator Fevella and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that Senate concurrent resolutions and Senate resolutions be referred to the committees of last referral. In consequence thereof, and subsequent to its recessing at 11:52 a.m., the Senate took the following actions on the following resolutions and standing committee reports:

Senator Keohokalole, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3518) recommending that S.C.R. No. 213, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 213, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO RESTORE FUNDING TO CERTAIN SUBSTANCE USE DISORDER TREATMENT ORGANIZATIONS THAT PROVIDE SERVICES FOR RESIDENTIAL, OUTPATIENT, AND ADULT AND ADOLESCENT SCHOOL-BASED PROGRAMS IN FISCAL YEARS 2022-2023 AND 2023-2024," was referred to the Committee on Ways and Means.

Senator Keohokalole, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3519), recommending that S.R. No. 206, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 206, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO RESTORE FUNDING TO CERTAIN SUBSTANCE USE DISORDER TREATMENT ORGANIZATIONS THAT PROVIDE SERVICES FOR RESIDENTIAL, OUTPATIENT, AND ADULT AND ADOLESCENT SCHOOL-BASED PROGRAMS IN FISCAL YEARS 2022-2023 AND 2023-2024," 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. 3520), recommending that S.C.R. No. 222 be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 222, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, THE OFFICE OF YOUTH SERVICES, AND THE DEPARTMENT OF BUDGET AND FINANCE TO CONVENE A TASK FORCE TO RECOMMEND HOW TO CREATE AN EFFICIENT FUNDING MECHANISM TO ALLOW THE OFFICE OF YOUTH SERVICES TO GENERATE INCOME TO SUPPORT ITS VOCATIONAL PROGRAMS," 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. 3521), recommending that S.R. No. 215 be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 215, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, THE OFFICE OF YOUTH SERVICES, AND THE DEPARTMENT OF BUDGET AND FINANCE TO CONVENE A TASK FORCE TO RECOMMEND HOW TO CREATE AN EFFICIENT FUNDING MECHANISM TO ALLOW THE OFFICE OF YOUTH SERVICES TO GENERATE INCOME TO SUPPORT ITS VOCATIONAL PROGRAMS," was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3522), recommending that S.C.R. No. 13 be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 13, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF THE STATE ESTABLISHING A UNIVERSAL, NO-COST PRE-KINDERGARTEN PROGRAM," was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3523), recommending that S.R. No. 7 be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 7, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF THE STATE ESTABLISHING A UNIVERSAL, NO-COST PRE-KINDERGARTEN PROGRAM," 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. 3524) recommending that S.C.R. No. 88, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 88, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HONOLULU POLICE DEPARTMENT TO ALLOCATE ADDITIONAL RESOURCES TO INCREASE POLICE PRESENCE ON THE WAI'ANAE COAST AND TO CREATE A NEW POLICE DISTRICT FOR WAI'ANAE THAT IS SEPARATE FROM KAPOLEI AND 'EWA," 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. 3525), recommending that S.R. No. 78, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 78, S.D. 1, entitled: "SENATE RESOLUTION URGING THE HONOLULU POLICE DEPARTMENT TO ALLOCATE ADDITIONAL RESOURCES TO INCREASE POLICE PRESENCE ON THE WAI'ANAE COAST AND TO CREATE A NEW POLICE DISTRICT FOR WAI'ANAE THAT IS SEPARATE FROM KAPOLEI AND 'EWA," was referred to the Committee on Ways and Means.

ADJOURNMENT

At 5:00 p.m., the Senate adjourned until 11:30 a.m., Wednesday, March 30, 2022.