

TENTH DAY

Thursday, February 2, 2023

The Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023, convened at 11:39 a.m. with the President in the Chair.

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

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

At this time, Senator Dela Cruz introduced staff members of the Committee on Ways and Means who were seated in the gallery: budget section staffers Chung Chang, committee clerk; Stacy Ferreira, budget chief; Colin Peros; Ford Fuchigami; Kathy Sokugawa; Shirley Kan; Alex Ozawa; and Parker Spencer, who had offered a moment of contemplation prior to the Senate's floor session; and bills section staffers Duncan Osorio, bills chief; Mary Deneen; Carey Price; Cody Rex; Malcolm Iwami; and Nathaniel Isei. Senator Dela Cruz also recognized Makoa Nakamura, a staff member from his district office who was present in the gallery.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 22) was read by the Clerk and was deferred:

S.C.R. No. 22 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO PROMOTE THE USE OF ALBIZIA IN COMMERCIAL PRODUCTS BY ESTABLISHING A GRANT PROGRAM AND CONDUCTING A STUDY."

Offered by: Senator Awa.

SENATE RESOLUTION

The following resolution (S.R. No. 17) was read by the Clerk and was deferred:

S.R. No. 17 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO PROMOTE THE USE OF ALBIZIA IN COMMERCIAL PRODUCTS BY ESTABLISHING A GRANT PROGRAM AND CONDUCTING A STUDY."

Offered by: Senator Awa.

STANDING COMMITTEE REPORTS

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 6) recommending that S.B. No. 16 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and S.B. No. 16, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AS AN OFFICIAL LANGUAGE OF THE STATE OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 7) recommending that S.B. No. 32, 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 Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and S.B.

No. 32, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO REQUIRE THE REAPPORTIONMENT COMMISSION TO ESTABLISH A REAPPORTIONMENT PLAN TO DRAW DISTRICT LINES FOR THE MEMBERS OF THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES," 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. 8) recommending that S.B. No. 52, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and S.B. No. 52, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTION OF MEMBERS TO THE BOARD OF TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 9) recommending that S.B. No. 106, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and S.B. No. 106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

S.B. No. 36:

Senator Rhoads moved that S.B. No. 36, having been read throughout, pass Third Reading, seconded by Senator Gabbard.

Senator Rhoads rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Rhoads's remarks read as follows:

"I rise in support of the measure. This is the bill in response to the Hawai'i Supreme Court's *Obrero* decision in September. It restores the ability of prosecutors to initiate prosecution of felony cases upon a finding of probable cause after a preliminary hearing before a judge. This process was authorized by constitutional amendment forty years ago.

"The bill represents a months-long discussion that involved many parties, including the Attorney General's office, the Public Defender's office, and the four county prosecutors. It is a compromise that achieves the principal goal of authorizing felony prosecutions by use of the preliminary hearing process while also putting restrictions on how many times a prosecutor can bring the same case absent new evidence.

"Mahalo."

The motion was put by the Chair and carried, S.B. No. 36, entitled: "A BILL FOR AN ACT RELATING TO THE INITIATION OF FELONY PROSECUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 19:

On motion by Senator Rhoads, seconded by Senator Gabbard and carried, S.B. No. 19, entitled: "A BILL FOR AN ACT RELATING TO CAST BALLOTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Awa, Fevella). Excused, 1 (Ihara).

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. 425 | Jointly to the Committee on Energy, Economic Development, and Tourism and the Committee on Agriculture and Environment, then to the Committee on Commerce and Consumer Protection |
| S.B. No. 1045 | Committee on Education, then to the Committee on Ways and Means |
| S.B. No. 1154 | Jointly to the Committee on Energy, Economic Development, and Tourism and the Committee on Government Operations, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means |
| S.B. No. 1191 | Jointly to the Committee on Water and Land and the Committee on Transportation and Culture and the Arts, then to the Committee on Ways and Means |
| S.B. No. 1233 | Jointly to the Committee on Energy, Economic Development, and Tourism and the Committee on Government Operations, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means |
| S.B. No. 1403 | Committee on Transportation and Culture and the Arts, then jointly to the Committee on Judiciary and the Committee on Ways and Means |
| S.B. No. 1414 | Committee on Higher Education, then to the Committee on Ways and Means |
| S.B. No. 1438 | Committee on Government Operations, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and the Committee on Ways and Means |
| S.B. No. 1444 | Committee on Health and Human Services, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary |
| S.B. No. 1469 | Committee on Ways and Means |
| S.B. No. 1510 | Jointly to the Committee on Higher Education and the Committee on Energy, Economic Development, and Tourism, then to the Committee on Ways and Means |
| S.B. No. 1580 | Jointly to the Committee on Health and Human Services and the Committee on Labor and Technology, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means |

S.B. No. 1598 Committee on Higher Education, then to the Committee on Ways and Means

S.B. No. 1607 Jointly to the Committee on Labor and Technology and the Committee on Transportation and Culture and the Arts, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary

ADJOURNMENT

At 11:44 a.m., on motion by Senator Wakai, seconded by Senator DeCoite and carried, the Senate adjourned until 11:30 a.m., Friday, February 3, 2023.