

FOURTEENTH DAY

Wednesday, February 8, 2023

The Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023, convened at 11:37 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

At this time, Senator McKelvey introduced constituents from Maui who were planning to attend Ag Day the following day. Seated in the gallery were representatives from Maui Gold Pineapple Company: Rudy Balala, Darren Strand, and Max Tornai. Senator McKelvey also recognized Tambara Garrick, a constituent and good friend who was present in the gallery.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 to 8) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 5, transmitting H.B. No. 89, which passed Third Reading in the House of Representatives on February 7, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, H.B. No. 89, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS BY CANDIDATE COMMITTEES," passed First Reading by title and was deferred.

Hse. Com. No. 6, transmitting H.B. No. 90, which passed Third Reading in the House of Representatives on February 7, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, H.B. No. 90, entitled: "A BILL FOR AN ACT RELATING TO COMMITTEE FUNDRAISERS," passed First Reading by title and was deferred.

Hse. Com. No. 7, transmitting H.B. No. 93, which passed Third Reading in the House of Representatives on February 7, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, H.B. No. 93, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZATIONAL REPORTS," passed First Reading by title and was deferred.

Hse. Com. No. 8, transmitting H.B. No. 99, which passed Third Reading in the House of Representatives on February 7, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, H.B. No. 99, entitled: "A BILL FOR AN ACT RELATING TO LIMITING A CAMPAIGN'S ACCEPTANCE OF CASH CONTRIBUTIONS," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator DeCoite, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 74) recommending that S.B. No. 795, 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. 795, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO TAXES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator DeCoite, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 75) recommending that S.B. No. 829, 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. 829, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BROADBAND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator DeCoite, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 76) recommending that S.B. No. 1237 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. 1237, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FILM INDUSTRY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator DeCoite, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 77) recommending that S.B. No. 1495, 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. 1495, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTION PICTURE, DIGITAL MEDIA, AND FILM PRODUCTION INCOME TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Inouye, for the majority of the Committee on Agriculture and Environment and the majority of the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 78) recommending that S.B. No. 73 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 joint report of the majority of the Committees was adopted and S.B. No. 73, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARK LEASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Inouye, for the Committee on Agriculture and Environment and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 79) recommending that S.B. No. 93 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 joint report of the Committees was adopted and S.B. No. 93, entitled: "A BILL FOR AN ACT RELATING TO REUSE ZONES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 80) recommending that S.B. No. 99 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. 99, entitled: "A BILL FOR AN ACT RELATING TO MEAT AND POULTRY INSPECTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Inouye, for the Committee on Agriculture and Environment and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 81) recommending that S.B. No. 115 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 joint report of the Committees was adopted and S.B. No. 115, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 82) recommending that S.B. No. 316 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. 316, entitled: "A BILL FOR AN ACT RELATING TO DOGS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Gabbard and Inouye, for the Committee on Agriculture and Environment and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 83) recommending that S.B. No. 376, 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 joint report of the Committees was adopted and S.B. No. 376, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senators Gabbard and Inouye, for the Committee on Agriculture and Environment and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 84) recommending that S.B. No. 419 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 joint report of the Committees was adopted and S.B. No. 419, entitled: "A BILL FOR AN ACT RELATING TO CARBON SEQUESTRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Inouye, for the Committee on Agriculture and Environment and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 85) recommending that S.B. No. 86 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 joint report of the Committees was adopted and S.B. No. 86, entitled: "A BILL FOR AN ACT RELATING TO FOOD SUSTAINABILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 86) recommending that S.B. No. 420, 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. 420, 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 Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 87) recommending that S.B. No. 422, 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. 422, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL ADVISORY COUNCIL," passed Second Reading and was referred to the Committee on Judiciary.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 88) recommending that S.B. No. 428 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. 428, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 89) recommending that S.B. No. 430, 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. 430, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FARM TO FOOD BANK PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 90) recommending that S.B. No. 445, 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. 445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLLUTION ABATEMENT," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 91) recommending that S.B. No. 504 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and S.B. No. 504, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the majority of the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 92) recommending that S.B. No. 506 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the majority of the Committee was adopted and S.B. No. 506, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Gabbard and Inouye, for the Committee on Agriculture and Environment and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 93) recommending that S.B. No. 507 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 joint report of the Committees was adopted and S.B. No. 507, entitled: "A BILL FOR AN ACT RELATING TO WETLAND PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means, with Senator Elefante voting "Aye with Reservations."

Senators Inouye and Gabbard, for the majority of the Committee on Water and Land and the majority of the Committee on Agriculture and Environment, presented a joint report (Stand. Com. Rep. No. 94) recommending that S.B. No. 71, 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 joint report of the majority of the Committees was adopted and S.B. No. 71, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means, with Senator Elefante voting "Aye with Reservations."

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. 95) recommending that S.B. No. 84, 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 joint report of the Committees was adopted and S.B. No. 84, 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.

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. 96) recommending that S.B. No. 833, 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 joint report of the Committees was adopted and S.B. No. 833, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAHIAWA IRRIGATION SYSTEM," 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. 97) recommending that S.B. No. 941, 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. 941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO THE SCHOOL FACILITIES AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 98) recommending that S.B. No. 511 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. 511, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 99) recommending that S.B. No. 519, 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. 519, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 100) recommending that S.B. No. 520, 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. 520, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the majority of the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 101) recommending that S.B. No. 635 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 majority of the Committee was adopted and S.B. No. 635, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR, A HEALTHFUL ENVIRONMENT AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Gabbard, for the majority of the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 102) recommending that S.B. No. 647, 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 majority of the Committee was adopted and S.B. No. 647, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARK LEASES," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senators Gabbard and Inouye, for the majority of the Committee on Agriculture and Environment and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 103) recommending that S.B. No. 657 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 joint report of the majority of the Committees was adopted and S.B. No. 657, entitled: "A BILL FOR AN ACT RELATING TO CLIMATE EQUITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 104) recommending that S.B. No. 660, 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. 660, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 105) recommending that S.B. No. 114 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. 114, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Gabbard and Inouye, for the Committee on Agriculture and Environment and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 106) recommending that S.B. No. 432 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the joint report of the Committees was adopted and S.B. No. 432, entitled: "A BILL FOR AN ACT RELATING TO THE DESIGNATION OF HAWAII CORAL REEFS AS CRITICAL NATURAL INFRASTRUCTURE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 9, 2023.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

| S.B. No.: | Re-referred to: |
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| S.B. No. 114 | Committee on Agriculture and Environment, then jointly to the Committee on Judiciary and the Committee on Ways and Means |
| S.B. No. 503 | Jointly to the Committee on Agriculture and Environment and the Committee on Health and Human Services, then to the Committee on Ways and Means |
| S.B. No. 756 | Committee on Agriculture and Environment, then to the Committee on Commerce and Consumer Protection |

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

"I would like to request that the Senate adjourn on a rising vote and observe a moment of silence in honor and memory of

the more than 14,000 people who lost their lives in the recent earthquake in Turkey and Syria. Thank you."

Senator Keith-Agaran rose on a point of personal privilege to ask whether the committee reports adopted that morning had recommended passage of measures on second reading, and the Chair confirmed that they had.

ADJOURNMENT

At 11:41 a.m., on motion by Senator Wakai, seconded by Senator DeCoite and carried, the Senate adjourned until 11:30 a.m., Thursday, February 9, 2023, on a rising vote, observing a moment of silence in memory of the earthquake victims in Turkey and Syria.