

THIRTY-NINTH DAY

Tuesday, March 28, 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 Thirty-Eighth Day.

At this time, Senator Gabbard introduced members of his staff who were present in the gallery: office manager Meg Turner; community liaison Jhanavi Pomerantz; committee clerk Kawena Garcia, who had offered a moment of contemplation prior to the Senate's floor session; and legislative aide Angel Crumpton.

Senator Kanuha welcomed Edgar Ruiz, director of the Council of State Governments West, who was seated in the gallery.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 642 to 645) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 642, submitting for consideration and confirmation to the Contractors License Board, the nomination of RANDALL LAU, term to expire June 30, 2027, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 643, submitting for consideration and confirmation to the Community Based Economic Development Advisory Council, the nomination of TEENA RASMUSSEN, term to expire June 30, 2027, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 644, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of JOSHUA FRANKLIN, term to expire June 30, 2024, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 645, submitting for consideration and confirmation to the Contractors License Board, the nomination of DARYL SUEHIRO, term to expire June 30, 2024, was referred to the Committee on Commerce and Consumer Protection.

STANDING COMMITTEE REPORTS

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1423) recommending that H.B. No. 384, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and H.B. No. 384, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 2023.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1424) recommending that H.B. No. 724, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and H.B. No. 724, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," passed Second Reading

and was placed on the calendar for Third Reading on Thursday, March 30, 2023.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1425) recommending that H.B. No. 980, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and H.B. No. 980, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE PURSUANT TO SECTION 804-51, HAWAII REVISED STATUTES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 2023.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1426) recommending that H.B. No. 1097, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and H.B. No. 1097, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 2023.

Senators San Buenaventura and Lee, for the Committee on Health and Human Services and the Committee on Transportation and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 1427) recommending that H.B. No. 794, 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 Wakai, seconded by Senator DeCoite and carried, the joint report of the Committees was adopted and H.B. No. 794, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISABILITY AWARENESS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 2023.

Senator San Buenaventura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1428) recommending that the Senate advise and consent to the nomination of CATHERINE BETTS as Director of the Department of Human Services, in accordance with Gov. Msg. No. 512.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1428 and Gov. Msg. No. 512 was deferred until Wednesday, March 29, 2023.

ORDER OF THE DAY

THIRD READING

H.B. No. 91, H.D. 1, S.D. 1:

Senator Rhoads moved that H.B. No. 91, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Gabbard.

Senator San Buenaventura rose to speak in opposition to the measure as follows:

"Although it appears that it is one of those ethics bills that we should pass, especially with the events that occurred last session, if you read page 2, it says, 'Failure to obey such a court order shall be punished as contempt,' which is a misdemeanor or a petty misdemeanor, and the addition of, 'In addition to contempt proceedings, the commission may file the

commission's order,' and goes on to, 'Provided that there shall be no appeal from the judgment.' This is very troubling, especially since the last bill that we passed upon third reading allowed the Campaign Spending Commission to mail us these proceedings without certified mail but presumed that, upon their mailing of the proceedings, within seven days, that we have received it. The more common people who are violated are first-time campaigners. My concern is, when this came to hearing, the deputy attorney general at the last hearing, I requested her opinion as to whether or not this passes due process. She said she did not study it. She said she was there for the Campaign Spending Commission and not to advise us, and, for those reasons, since I have concerns about the due process, constitutional right of somebody who may be adjudged to be punished for contempt—a criminal case—I stand in opposition. Thank you."

The motion was put by the Chair and carried, H.B. No. 91, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORDERS OF THE CAMPAIGN SPENDING COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Awa, Fevella, Kidani, San Buenaventura). Excused, 1 (Shimabukuro).

RE-REFERRAL OF A HOUSE BILL

The Chair re-referred the following House bill that was received:

H.B. No.:	Re-referred to:
H.B. No. 642, H.D. 2	Committee on Commerce and Consumer Protection

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following Senate concurrent resolutions that were offered:

S.C.R. No.:	Re-referred to:
S.C.R. No. 85	Committee on Commerce and Consumer Protection
S.C.R. No. 220	Committee on Public Safety and Intergovernmental and Military Affairs

RE-REFERRAL OF SENATE RESOLUTIONS

The Chair re-referred the following Senate resolutions that were offered:

S.R. No.:	Re-referred to:
S.R. No. 76	Committee on Commerce and Consumer Protection
S.R. No. 158	Committee on Public Safety and Intergovernmental and Military Affairs

Senator DeCoite reminded the members of the Easter basket drive held annually by the Women's Legislative Caucus, which seeks donations to organizations that help women and children in need. Senator DeCoite noted that the drive would support the Domestic Violence Action Center, Institute for Human Services, Parents And Children Together, the Salvation Army of Hawai'i, and the Women's Prison Project's Mohala Mai. Senator DeCoite invited the members to participate in the drive by collecting new household and hygiene items or by donating directly to the organizations. Senator DeCoite requested that members bring assembled Easter baskets to the front of the Auditorium on Wednesday, April 5, 2023, immediately following the House floor session.

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 4:30 p.m. this afternoon."

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

Senator Kanuha rose on a point of personal privilege to extend happy birthday wishes to Roth Puahala, a staff member in Senate President's office.

STANDING COMMITTEE REPORTS

On motion by Senator Wakai, seconded by Senator DeCoite 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 11:44 a.m., the Senate took the following actions on the following resolutions and standing committee reports:

Senator Keohokalole, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1429) recommending that S.C.R. No. 17, as amended in S.D. 1, 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.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SOCIAL AND FINANCIAL ASSESSMENT OF PROPOSED MANDATORY HEALTH INSURANCE COVERAGE FOR SERVICES PROVIDED BY PHARMACISTS," was referred to the Committee on Ways and Means.

Senator Keohokalole, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1430) recommending that S.C.R. No. 4, as amended in S.D. 1, 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.C.R. No. 4, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION AND LICENSURE OF ASSOCIATE PHYSICIANS," was referred to the Committee on Ways and Means.

Senator Keohokalole, for the majority of the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1431) recommending that S.C.R. No. 18, as amended in S.D. 1, be referred to 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.C.R. No. 18, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SOCIAL AND FINANCIAL ASSESSMENT OF PROPOSED MANDATORY HEALTH INSURANCE COVERAGE FOR VARIOUS SEXUAL AND REPRODUCTIVE HEALTH CARE SERVICES," was referred to the Committee on Ways and Means.

ADJOURNMENT

At 4:30 p.m., the Senate adjourned until 11:30 a.m., Wednesday, March 29, 2023.