

## FORTY-EIGHTH DAY

## Thursday, April 13, 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, with the exception of Senators DeCoite, Ihara, and Keohokalole who were excused.

The President announced that he had read and approved the Journal of the Forty-Seventh Day.

At this time, Senator Wakai introduced members of the Eyes of Hawaii Photography Club who were seated in the gallery: Lari Yasui, Clifford Kimura, Cora Hironaka, Paul Nakatani, Vanessa Nishimura, Don Rostov, Steve Sakamoto, Linda Sue, and Linda and Clyde Uchima.

Senator Wakai then introduced his constituents Rick and Lucy Ashley. Accompanying them in the gallery was his number one constituent, Representative Linda Ichiyama.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 677 and 678) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 677, informing the Senate that on April 10, 2023, the Governor withdrew the nomination of HUGH "BURKLEY" SHOWE to the State Foundation on Culture and the Arts, under Gov. Msg. No. 574, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 677, the nomination listed under Gov. Msg. No. 574 was returned.

Gov. Msg. No. 678, informing the Senate that on April 12, 2023, the Governor withdrew the nomination of SUSAN LI to the State Foundation on Culture and the Arts, under Gov. Msg. Nos. 633 and 634, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 678, the nominations listed under Gov. Msg. Nos. 633 and 634 were returned.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 721 to 798) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 721, informing the Senate that on April 11, 2023, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 40 (S.D. 1);  
H.B. No. 126, H.D. 1 (S.D. 1);  
H.B. No. 307, H.D. 1 (S.D. 1);  
H.B. No. 308, H.D. 1 (S.D. 2);  
H.B. No. 313, H.D. 1 (S.D. 2);  
H.B. No. 365, H.D. 1 (S.D. 2);  
H.B. No. 485, H.D. 3 (S.D. 2);  
H.B. No. 580, H.D. 1 (S.D. 1);  
H.B. No. 606, H.D. 1 (S.D. 1);  
H.B. No. 607, H.D. 2 (S.D. 2);  
H.B. No. 617, H.D. 1 (S.D. 2);  
H.B. No. 694, H.D. 1 (S.D. 1);  
H.B. No. 707, H.D. 1 (S.D. 1);  
H.B. No. 711, H.D. 1 (S.D. 1);  
H.B. No. 948, H.D. 2 (S.D. 2);  
H.B. No. 971, H.D. 2 (S.D. 1);

H.B. No. 972, H.D. 1 (S.D. 1);  
H.B. No. 986, H.D. 1 (S.D. 1);  
H.B. No. 1033, H.D. 1 (S.D. 1);  
H.B. No. 1294, H.D. 1 (S.D. 1);  
H.B. No. 1409, H.D. 2 (S.D. 2); and  
H.B. No. 1502, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 722, returning S.B. No. 44, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 11, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 44, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 723, returning S.B. No. 51, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 11, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 51, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 724, returning S.B. No. 57, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 11, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 57, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 725, returning S.B. No. 63, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 11, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 63, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 726, returning S.B. No. 151, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 11, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 151, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 727, returning S.B. No. 182, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 11, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 182, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 728, returning S.B. No. 239, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 11, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 239, S.D. 2, and requested a conference on the subject matter thereof.









Hse. Com. No. 797, returning S.B. No. 1592, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 11, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1592, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 798, returning S.B. No. 1596, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 11, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1596, S.D. 1, and requested a conference on the subject matter thereof.

The Chair then announced:

“Conferees will be named at a later date.”

#### STANDING COMMITTEE REPORTS

Senator Wakai, for the Committee on Public Safety and Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1892) recommending that the Senate advise and consent to the nomination of TOMMY JOHNSON as Director of the Department of Public Safety, in accordance with Gov. Msg. No. 517.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1892 and Gov. Msg. No. 517 was deferred until Friday, April 14, 2023.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1893) recommending that the Senate advise and consent to the nomination of KATIE DUCATT as Deputy to the Chairperson of the Department of Hawaiian Home Lands, in accordance with Gov. Msg. No. 526.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1893 and Gov. Msg. No. 526 was deferred until Friday, April 14, 2023.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1894) recommending that the Senate advise and consent to the nominations to the Hawaii Historic Places Review Board of the following:

RALPH KAM, in accordance with Gov. Msg. No. 563; and

GRAHAM HART, in accordance with Gov. Msg. No. 564.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1894 and Gov. Msg. Nos. 563 and 564 was deferred until Friday, April 14, 2023.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1895) recommending that the Senate advise and consent to the nominations to the Land Use Commission of the following:

BRIAN LEE, in accordance with Gov. Msg. No. 535; and

BRIAN LEE, in accordance with Gov. Msg. No. 536.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1895 and Gov. Msg. Nos. 535 and 536 was deferred until Friday, April 14, 2023.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1896) recommending that the Senate advise and consent to the nomination of KIM FALINSKI to the Legacy Land Conservation Commission, in accordance with Gov. Msg. No. 598.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1896 and Gov. Msg. No. 598 was deferred until Friday, April 14, 2023.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1897) recommending that the Senate advise and consent to the nominations to the Kane'ohe Bay Regional Council of the following:

SYLVIA HUSSEY, in accordance with Gov. Msg. No. 580;

SYLVIA HUSSEY, in accordance with Gov. Msg. No. 581; and

JOSEPH PICKARD, in accordance with Gov. Msg. No. 582.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1897 and Gov. Msg. Nos. 580, 581, and 582 was deferred until Friday, April 14, 2023.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1898) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Maui and Lana'i of the following:

MICHELE HOOPII, in accordance with Gov. Msg. No. 565;

SCOTT FISHER, in accordance with Gov. Msg. No. 566; and

DIANE PREZA, in accordance with Gov. Msg. No. 599.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1898 and Gov. Msg. Nos. 565, 566, and 599 was deferred until Friday, April 14, 2023.

#### ORDER OF THE DAY

##### THIRD READING

H.B. No. 954, H.D. 2, S.D. 2:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, H.B. No. 954, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (DeCoite, Ihara, Keohokalole).

H.B. No. 1373, H.D. 2, S.D. 2:

Senator Wakai moved that H.B. No. 1373, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Dela Cruz.

Senator Fevella rose to speak in strong support of the measure as follows:

“This is Relating to Workforce Development, Mr. President. I support this measure for our local families who are in the working film and television industry. This bill will make sure that our tax dollars used for tax credits and rebates are used for the benefit of our local residents. This bill will close the loopholes in exceeding the film tax credit, and this bill will provide more public transparency by disclosing the names and the amount of tax credit received by the production companies. I just want to thank my colleagues in the WAM: WAM chair and his staff and all the WAM committee members that worked very hard on this (Senator DeCoite, you know we pray for her healing and recovering and coming back to us in full). But, again, I just want to thank all of my colleagues who had a part in putting this in transparency for our industry that is so viable to our community, so I strongly support H.B. 1373, and I urge the rest of my colleagues to please do the same. Thank you, take care, God bless, and aloha.”

Senator San Buenaventura rose to seek a ruling on a potential conflict of interest as follows:

“My husband works in the film industry.”

The Chair ruled that, because the bill would benefit anyone in the film industry and that Senator San Buenaventura’s husband would be part of a general class and not a specific beneficiary, there was no conflict.

The motion was put by the Chair and carried, H.B. No. 1373, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Fukunaga). Excused, 3 (DeCoite, Ihara, Keohokalole).

H.B. No. 1049, H.D. 2, S.D. 2:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, H.B. No. 1049, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INCOME TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (DeCoite, Ihara, Keohokalole).

H.B. No. 382, H.D. 1, S.D. 3:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, H.B. No. 382, H.D. 1, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (DeCoite, Ihara, Keohokalole).

H.B. No. 1375, H.D. 3, S.D. 3:

On motion by Senator Wakai, seconded by Senator Dela Cruz and carried, H.B. No. 1375, H.D. 3, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO TOURISM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Elefante, Fukunaga, Kanuha). Noes, none. Excused, 3 (DeCoite, Ihara, Keohokalole).

#### **RE-REFERRAL OF A HOUSE CONCURRENT RESOLUTION**

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

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

H.C.R. No. 179 Committee on Housing

At this time, Senator San Buenaventura reminded the members that Massage Day was taking place on the fourth floor. Senator San Buenaventura added that, for a \$5 donation to the food bank, participants would be de-stressed by volunteers.

#### **STANDING COMMITTEE REPORT**

On motion by Senator Wakai, seconded by Senator Kanuha and carried unanimously, the Senate authorized the Clerk to receive a standing committee report on Gov. Msg. No. 608. In consequence thereof, and subsequent to its recessing at 11:46 a.m., the Senate took the following action on the following message from the Governor and standing committee report:

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1899) recommending that the Senate consent to the appointment of MICHELLE L. DREWYER as Judge of the Circuit Court of the Second Circuit, State of Hawai‘i, in accordance with Gov. Msg. No. 608.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1899 and Gov. Msg. No. 608 was deferred until Friday, April 14, 2023.

#### **ADJOURNMENT**

At 2:00 p.m., the Senate adjourned until 11:30 a.m., Friday, April 14, 2023.