

FIFTEENTH DAY

Thursday, February 8, 2024

The Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024, convened at 11:36 a.m. with the President in the Chair.

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

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

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 359 to 384) were read by the Clerk and were placed on file:

Dept. Com. No. 359, from the Department of Hawaiian Home Lands, dated October 5, 2023, transmitting the Reports on Non-General Fund Information pursuant to Sections 37-47, 37-48, and 37-49, HRS.

Dept. Com. No. 360, from the Department of Budget and Finance, dated October 30, 2023, transmitting the Notification to the Legislature of a Transfer from Non-General Funds to General Fund FY 24, October 20, 2023, pursuant to Section 37-46, HRS.

Dept. Com. No. 361, from the Maui Metropolitan Planning Organization, dated December 14, 2023, transmitting the Annual Report for FY2023 and FY2024 (July – December) pursuant to Chapter 279D, HRS.

Dept. Com. No. 362, from the County of Hawai'i Department of Environmental Management, dated December 28, 2023, transmitting the Report pursuant to H.C.R. No. 208, H.D. 1 (2023).

Dept. Com. No. 363, from the County of Hawai'i Department of Water Supply, dated January 4, 2024, transmitting the Report pursuant to S.C.R. No. 35, H.D. 1 (2023) and H.R. No. 56 (2023).

Dept. Com. No. 364, from the Office of the Auditor, dated January 16, 2024, transmitting the Special-Purpose Financial Audit of the Hawai'i Convention Center pursuant to Chapter 23, HRS.

Dept. Com. No. 365, from the Public Utilities Commission, dated January 16, 2024, transmitting the Public Utilities Commission Annual Report for Fiscal Year 2023 pursuant to Sections 269-5 and 269-33(c), HRS.

Dept. Com. No. 366, from the Department of the Attorney General, dated January 17, 2024, transmitting the Report on Recommendations for Denial of Claims for Legislative Relief pursuant to Section 37-77, HRS.

Dept. Com. No. 367, from the Office of the Auditor, dated January 17, 2024, transmitting the Review of Special Funds, Revolving Funds, Trust Funds, and Trust Accounts of the Department of Budget and Finance (Report No. 24-01) pursuant to Section 23-12, HRS.

Dept. Com. No. 368, from the Office of the Auditor, dated January 17, 2024, transmitting the Financial Audit of the Employees' Retirement System of the State of Hawai'i pursuant to Chapter 23, HRS.

Dept. Com. No. 369, from the Department of Hawaiian Home Lands, dated January 17, 2024, transmitting the Annual Activity Report pursuant to Act 279, SLH 2022.

Dept. Com. No. 370, from the Department of Labor and Industrial Relations, dated January 16, 2024, transmitting the Department of Labor and Industrial Relations' Annual Report pursuant to Act 100, SLH 1999.

Dept. Com. No. 371, from the University of Hawai'i, dated January 18, 2024, transmitting the Annual Report on Workforce Development Programs pursuant to Section 202-10, HRS.

Dept. Com. No. 372, from the Office of the Auditor, dated January 19, 2024, transmitting the Financial and Compliance Audit of the Department of Health, Drinking Water Treatment Revolving Loan Fund, pursuant to Chapter 23, HRS.

Dept. Com. No. 373, from the Office of the Auditor, dated January 19, 2024, transmitting the Financial and Compliance Audit of the Department of Health, Water Pollution Control Revolving Fund, pursuant to Chapter 23, HRS.

Dept. Com. No. 374, from the Department of Labor and Industrial Relations, dated January 19, 2024, transmitting the Hawaii Occupational Safety and Health Division's Penalty Adjustment Report pursuant to Section 396-10(o), HRS.

Dept. Com. No. 375, from the Department of Health, dated December 29, 2023, transmitting the Drinking Water Treatment Revolving Loan Fund 2023 Report pursuant to Section 340E-33, HRS.

Dept. Com. No. 376, from the Act 200 Working Group, dated January 18, 2024, transmitting an update pursuant to Act 200, SLH 2022.

Dept. Com. No. 377, from the Department of Agriculture, dated January 18, 2024, transmitting the Final Report on the Economic Study on Changes in Coffee Labeling Law pursuant to Act 222, SLH 2022.

Dept. Com. No. 378, from the Office of the Auditor, dated January 22, 2024, transmitting the Financial and Compliance Audit of the Department of Transportation, Administration Division, pursuant to Chapter 23, HRS.

Dept. Com. No. 379, from the Office of the Auditor, dated January 23, 2024, transmitting the Financial and Compliance Audit of the Department of Transportation, Airports Division, pursuant to Chapter 23, HRS.

Dept. Com. No. 380, from the Department of Education, dated January 22, 2024, transmitting the Annual Report on Critical Emergency Response Pilot pursuant to Act 143, SLH 2023.

Dept. Com. No. 381, from the Department of Budget and Finance, dated January 9, 2024, transmitting the Hawaii Employer-Union Health Benefits Trust Fund Annual Report pursuant to Section 87A-25, HRS.

Dept. Com. No. 382, from the Office of the Auditor, dated January 23, 2024, transmitting the Audit of the Hawai'i State Hospital's Implementation of the Hawai'i Information Portal (Report No. 24-02) pursuant to S.C.R. No. 82 (2022).

Dept. Com. No. 383, from the Department of Business, Economic Development and Tourism, dated January 17, 2024, transmitting the 2023 HI 3Ts School Technology Laboratories Fund Response pursuant to Section 302A-1314, HRS.

Dept. Com. No. 384, from the Office of the Auditor, dated January 23, 2024, transmitting the Financial Audit of the Hawai'i Public Housing Authority pursuant to Chapter 23, HRS.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 13) was read by the Clerk and was deferred:

S.C.R. No. 13 "SENATE CONCURRENT RESOLUTION URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE CEASEFIRE IN GAZA RESOLUTION INTRODUCED BY UNITED STATES CONGRESSWOMAN CORI BUSH."

Offered by: Senator Shimabukuro

SENATE RESOLUTION

The following resolution (S.R. No. 6) was read by the Clerk and was deferred:

S.R. No. 6 "SENATE RESOLUTION URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE CEASEFIRE IN GAZA RESOLUTION INTRODUCED BY UNITED STATES CONGRESSWOMAN CORI BUSH."

Offered by: Senators Shimabukuro, Gabbard

STANDING COMMITTEE REPORTS

Senator San Buenaventura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2184) recommending that S.B. No. 2405 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the report of the majority of the Committee was adopted and S.B. No. 2405, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senator San Buenaventura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2185) recommending that S.B. No. 958, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the report of the Committee was adopted and S.B. No. 958, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PSYCHOLOGY," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means.

Senator San Buenaventura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2186) recommending that S.B. No. 2285, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 2285, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator San Buenaventura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2187) recommending that S.B. No. 2467, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 2467, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL," passed Second

Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2188) recommending that S.B. No. 3274, 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 Kanuha and carried, the report of the majority of the Committee was adopted and S.B. No. 3274, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY FORFEITURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2189) recommending that S.B. No. 3174, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 3174, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2190) recommending that S.B. No. 2823, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 2823, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE RULES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2191) recommending that S.B. No. 3029, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 3029, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2192) recommending that S.B. No. 2521, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 2521, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE PUBLIC DEFENDER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2193) recommending that S.B. No. 2376 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the report of the majority of the Committee was adopted and S.B. No. 2376, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION FOR COURT-

APPOINTED REPRESENTATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2194) recommending that S.B. No. 572, as amended in S.D. 1, be recommitted to the Committee on Ways and Means.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the report of the Committee was adopted and S.B. No. 572, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” was recommitted to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2195) recommending that S.B. No. 578, as amended in S.D. 1, be recommitted to the Committee on Ways and Means.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the report of the Committee was adopted and S.B. No. 578, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” was recommitted to the Committee on Ways and Means.

Senator San Buenaventura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2196) recommending that S.B. No. 2529, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 2529, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROVIDER ORDERS FOR LIFE SUSTAINING TREATMENT FORM,” passed Second Reading and was referred to the Committee on Judiciary.

Senator San Buenaventura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2197) recommending that S.B. No. 3143, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 3143, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2198) recommending that S.B. No. 2381, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 2381, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC FINANCING FOR CANDIDATES TO ELECTED OFFICE,” 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. 2199) recommending that S.B. No. 2257, as amended in S.D. 1, be recommitted to the Committee on Education.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the report of the Committee was adopted and S.B. No. 2257, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was recommitted to the Committee on Education.

Senator Wakai, for the Committee on Public Safety and Intergovernmental and Military Affairs, presented a report

(Stand. Com. Rep. No. 2200) recommending that S.B. No. 2094, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 2094, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CORRECTIONS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Public Safety and Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 2201) recommending that S.B. No. 1392, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 1392, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PERIODIC REVIEWS OF DETAINEES IN COMMUNITY CORRECTIONAL CENTERS,” passed Second Reading and was referred to the Committee on Judiciary.

Senators Wakai and Shimabukuro, for the Committee on Public Safety and Intergovernmental and Military Affairs and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2202) recommending that S.B. No. 3016, 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 Kanuha and carried, the joint report of the Committees was adopted and S.B. No. 3016, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN FLAG,” passed Second Reading and was referred to the Committee on Judiciary.

Senators Wakai and San Buenaventura, for the Committee on Public Safety and Intergovernmental and Military Affairs and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 2203) recommending that S.B. No. 2565 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the joint report of the Committees was adopted and S.B. No. 2565, entitled: “A BILL FOR AN ACT RELATED TO PUBLIC PARKS,” passed Second Reading and was referred to the Committee on Judiciary.

Senators Wakai and San Buenaventura, for the Committee on Public Safety and Intergovernmental and Military Affairs and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 2204) recommending that S.B. No. 2903 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Wakai, seconded by Senator Kanuha and carried, the joint report of the Committees was adopted and S.B. No. 2903, entitled: “A BILL FOR AN ACT RELATING TO WILDFIRE-AFFECTED AREAS,” 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. 2205) recommending that S.B. No. 2072, 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 Kanuha and carried, the report of the Committee was adopted and S.B. No. 2072, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed Second Reading and was placed on the calendar for Third Reading on Monday, February 12, 2024.

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:
S.B. No. 572, S.D. 1	Committee on Agriculture and Environment, then to the Committee on Ways and Means
S.B. No. 578, S.D. 1	Committee on Labor and Technology, then jointly to the Committee on Ways and Means and the Committee on Judiciary
S.B. No. 2178	Committee on Transportation and Culture and the Arts, then to the Committee on Ways and Means
S.B. No. 2241	Committee on Labor and Technology, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary
S.B. No. 2257, S.D. 1	Committee on Education, then to the Committee on Ways and Means
S.B. No. 2686	Committee on Judiciary
S.B. No. 2723	Committee on Government Operations, then jointly to the Committee on Judiciary and the Committee on Ways and Means
S.B. No. 2753	Jointly to the Committee on Government Operations and the Committee on Agriculture and Environment, then to the Committee on Judiciary
S.B. No. 2772	Committee on Government Operations, then to the Committee on Ways and Means
S.B. No. 2831	Committee on Government Operations, then to the Committee on Ways and Means
S.B. No. 2838	Jointly to the Committee on Water and Land and the Committee on Government Operations, then to the Committee on Ways and Means
S.B. No. 2872	Jointly to the Committee on Government Operations and the Committee on Housing, then to the Committee on Judiciary
S.B. No. 2948	Jointly to the Committee on Government Operations and the Committee on Water and Land, then to the Committee on Judiciary
S.B. No. 2976	Jointly to the Committee on Water and Land and the Committee on Government Operations and the Committee on Housing, then to the Committee on Ways and Means
S.B. No. 2994	Committee on Government Operations, then to the Committee on Judiciary
S.B. No. 3002	Committee on Transportation and Culture and the Arts, then to the Committee on Ways and Means
S.B. No. 3052	Committee on Government Operations, then jointly to the Committee on Ways and Means and the Committee on Judiciary
S.B. No. 3183	Committee on Transportation and Culture and the Arts, then to the Committee on Ways and Means

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

“At this time today, I want to apologize to my colleagues in the Labor committee and in this chamber. I’ve been here for five years, and I’m still learning. I appreciate the advice of my colleagues, especially Senator Dela Cruz, who always tells me, ‘Always try to be senator-like.’ I’m a passionate individual who cares deeply and loves deeply, especially with issues that hurt my constituents. My passion is one of the reasons why I’m here and I was elected. This issue with the tip credits impacts my community, and when this hurts my community, I take it a little too far. So, asking my colleagues in this chamber, I truly apologize and ask you guys for forgive me for my actions. Again, thank you, God bless, and aloha. Thank you, Senate President.”

Senator Gabbard invited the members to the 14th annual Ag Day on the fourth floor, where there were more than 66 booths of educational displays, food, and food samples.

The Chair clarified that Senator Fevella’s point of personal privilege referred to the latter’s overexcitement during the previous day’s hearing and what had occurred in the committee meeting. The Chair stated that he accepted the apology and that he appreciated Senator Fevella’s taking accountability for his actions the previous afternoon.

Senator McKelvey rose to speak on a point of personal privilege as follows:

“I probably forget the vernacular, but I’d like to adjourn on a rising moment of silence. I’m a little emotional—the purpose of (I hope you’ll forgive me) ... You know, six months ago, I lost my whole community, and I know we move on and we heal, but there’s a lot that is not yet done. I want to take this moment to thank all of you. Thank you all for everything. If we could just remember those hundred victims and all the living, I’d appreciate it. Forgive me if I’m not specific in the vernacular. Thank you.”

ADJOURNMENT

At 11:43 a.m., on motion by Senator Wakai, seconded by Senator DeCoite and carried, the Senate adjourned until 11:30 a.m., Friday, February 9, 2024, on a rising vote, observing a moment of silence in honor of the six-month anniversary of the fires in Lahaina, the 100 individuals who lost their lives, and the survivors.