

## TWENTY-THIRD DAY

Wednesday, February 24, 2021

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021, convened at 11:47 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with Senators Chang, Gabbard, Keohokalole, Lee, Misalucha, and Rhoads present and participating via videoconference.

The President announced that he had read and approved the Journal of the Twenty-Second Day.

At this time, Senator Shimabukuro introduced Anam Maniar, University of Hawai'i legislative intern; Aric Harp, committee clerk; Dylan Whitsell, legislative aide; Patrice Tanna, community liaison; and Keahi Renaud, chief of staff.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 42) was read by the Clerk and was deferred:

S.C.R. No. 42 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A LEASE COVERING STATE SUBMERGED LANDS AT PIER 27, IN HONOLULU HARBOR, OAHU, TO ATLANTIS SUBMARINES HAWAII, LLC."

Offered by: Senators Keith-Agaran, Baker, Inouye, Moriawaki, Wakai.

## STANDING COMMITTEE REPORTS

Senator Rhoads, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 609) recommending that S.B. No. 413, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the majority of the Committee was adopted and S.B. No. 413, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 2021.

Senator Moriawaki, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 610) recommending that S.B. No. 82, as amended in S.D. 1, be recommitted to the Committee on Government Operations.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATION AND POLICY," was recommitted to the Committee on Government Operations.

Senator Moriawaki, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 611) recommending that S.B. No. 83, as amended in S.D. 1, be recommitted to the Committee on Government Operations.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 83, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was recommitted to the Committee on Government Operations.

## ORDER OF THE DAY

## ADVISE AND CONSENT

Stand. Com. Rep. No. 606 (Gov. Msg. No. 607):

Senator Nishihara moved that Stand. Com. Rep. No. 606 be received and placed on file, seconded by Senator English and carried.

Senator Nishihara then moved that the Senate advise and consent to the nomination of GENE DEMELLO JR to the Hawaii Paroling Authority, term to expire June 30, 2024, seconded by Senator English.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 607 (Gov. Msg. No. 507):

Senator Nishihara moved that Stand. Com. Rep. No. 607 be received and placed on file, seconded by Senator English and carried.

Senator Nishihara then moved that the Senate advise and consent to the nomination of MAX OTANI as Director of the Department of Public Safety, term to expire at noon on December 5, 2022, seconded by Senator English.

Senator Nishihara rose to speak in strong support of the nominee as follows:

"Max has spent over 30 years working for the criminal justice field and has held various positions throughout his career ranging from probation officer; parole supervisor; field service branch administrator; paroles and pardons administrator; field branch administrator; manager, Oahu Intake Service Center; deputy director of corrections; division administrator, Intake Service Center; and a member of the Hawaii Paroling Authority. He retired from the PSD in 2016 and enjoyed retirement until he was selected to be a member of the Hawaii Paroling Authority in 2019. His tenure on the parole board made him realize how much he truly missed doing the work with the offender population and how rewarding this work can be, so on December 1, 2020, he was appointed to fill the position of director of Public Safety, and mentioned that ... to say it's been challenging is an understatement, as we all could see in the news. His work performance and experience has given out hard-working knowledge of evidence-based practices and firsthand insights into how policies and practices affect offenders re-entering our communities. That background has served to shape his focus as a director in the areas of re-entry and the goal of increasing inmates' successful reintegration into their community and reducing recidivism. He's considered a fair person, a logical person who makes decisions, and wants to collaborate with others with a strong desire to improve the correctional system. In my workings with Max, when he represented the governor at neighborhood board meetings, I found him to be an easy person to talk to and very open and very honest. Anyway, so I ask for all of your support in supporting me in his confirmation to be the director of Public Safety. Thank you."

Senator Inouye rose to speak in support of the nominee as follows:

"I have comments I'd like to insert into the Journal as well, and just to add that I'm happy that another Big Islander, a Hilo boy, has been appointed. He is the second Big Island person, and from Hilo, to serve in that position as well. Mahalo."

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

"I am in support of and urge my fellow colleagues to confirm Mr. Max Otani. He is a Hilo native, which I know of him and his family very well. Mr. Otani's well rounded qualities, values and experience will be a contribution as a leader with excellent communication skills, professionalism and stability to the department."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Nishihara introduced Director Max Otani, who was present via videoconference.

### THIRD READING

S.B. No. 1091, S.D. 1:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, S.B. No. 1091, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was recommitted to the Committee on Ways and Means.

S.B. No. 1203, S.D. 1:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, S.B. No. 1203, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TITLE 14, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 588 (S.B. No. 981, S.D. 2):

Senator Rhoads moved that Stand. Com. Rep. No. 588 be adopted and S.B. No. 981, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Dela Cruz.

Senator Kidani rose to speak in opposition to the measure as follows:

"I find it difficult that you guys want to randomize the names on the ballots only for the Office of Hawaiian Affairs. I don't particularly want randomizing, period, but if you're going to do it, do it for all offices and not just the Office of Hawaiian Affairs. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 588 was adopted and S.B. No. 981, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Ihara, Inouye). Noes, 1 (Kidani).

Stand. Com. Rep. No. 589 (S.B. No. 891, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Rhoads and carried, Stand. Com. Rep. No. 589 was adopted and S.B. No. 891, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Inouye). Noes, none.

S.B. No. 548, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 548, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Fevella). Noes, none.

S.B. No. 1387, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 1387, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MICROCHIP IDENTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1327, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 1327, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES OR THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, OR DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 834, S.D. 1:

Senator Rhoads moved that S.B. No. 834, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keohokalole.

Senator Baker 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 Baker's remarks read as follows:

"Mr. President, I rise in strong support of SB834 SD1, Relating to Childlike Sex Dolls.

"Our keiki need to be protected. Studies show that childlike sex dolls have been linked to offenses against children. These dolls enable this objectification and abuse, which is why the legislature needs to act. By making the importation, sale, and possession of childlike sex dolls a felony, SB834 SD1 will help protect our keiki.

"Please join me in support of this Women's Legislative Caucus priority bill. Mahalo."

The motion was put by the Chair and carried, S.B. No. 834, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDLIKE SEX DOLLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 714, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 714, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 630, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Acasio, Fevella). Noes, none.

S.B. No. 566, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 566, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMESTEAD EXEMPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Fevella). Noes, none.

S.B. No. 406, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 406, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING COMMISSION STAFF," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 148, S.D. 1:

On motion by Senator Rhoads, seconded by Senator Keohokalole and carried, S.B. No. 148, S.D. 1, 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, 25; Ayes with Reservations (Fevella). Noes, none.

Stand. Com. Rep. No. 600 (S.B. No. 819, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 600 was adopted and S.B. No. 819, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Acasio). Noes, none.

Stand. Com. Rep. No. 601 (S.B. No. 1018, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 601 was adopted and S.B. No. 1018, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EFFECTIVE GOVERNMENT OPERATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Acasio). Noes, none.

Stand. Com. Rep. No. 602 (S.B. No. 1423, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 602 was adopted and S.B. No. 1423, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STADIUM DEVELOPMENT DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

## 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. 82, S.D. 1	Jointly to the Committee on Government Operations and the Committee on Ways and Means
S.B. No. 83, S.D. 1	Jointly to the Committee on Government Operations and the Committee on Ways and Means
S.B. No. 86, S.D. 2	Committee on Hawaiian Affairs, then to the Committee on Ways and Means
S.B. No. 257, S.D. 1	Committee on Water and Land, then to the Committee on Ways and Means
S.B. No. 928, S.D. 1	Committee on Government Operations, then jointly to the Committee on Labor, Culture and the Arts and the Committee on Ways and Means

## ADJOURNMENT

At 12:00 p.m., on motion by Senator Keohokalole, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Thursday, March 4, 2021.