

THIRTY-SECOND DAY

Thursday, March 16, 2023

The Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023, convened at 11:34 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-First Day.

At this time, on behalf of Senate President Kouchi, Senator Kanuha acknowledged two visitors from Kaua'i: Michelle Emura from the American Cancer Society and Rainier Fernandez from Waimea High School.

The Chair shared his belief that the visitors from Kaua'i were at an appointment, and explained that he had met with them earlier that morning.

Senator San Buenaventura noted that the day marked the American Cancer Society Cancer Action Network (ACSCAN) Cancer Action Day at the Capitol. Senator San Buenaventura explained that ACSCAN is a nonprofit, nonpartisan advocacy affiliate of the American Cancer Society that supports evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem, and gives people power to fight cancer with the training and tools needed to make their voices heard. Senator San Buenaventura introduced ACSCAN volunteers who were seated in the gallery: Cynthia Au, Lila Johnson, Holly Ho-Chee-DuPont, Abigail Bertelsman, Benita Brazier, Chelsea Gonzales, Michelle Emura, Laura Creider, Lily Au, Mark Vasconcellos, Patricia Cornett, Kellen King, Jennifer Bueno, Ashley Rodrigues, Conan Wykes, Kristin Lau, Tina Nguyen, Cheryl Okuma, Jenny Hausler, McKayla McCullah, Josh Fowler, Rainier Fernandez, Lee Lord, Chandra Quinlan, Leana Abe, MaryJane McCullah, Kelsey Nishi Darling, Sarah Luchenbill, Kealohanui "Nui" Browning, Ryan Ozawa, Constancio Paranal, and Mary Kemp.

Senator Kidani congratulated the U.S. Senate Youth Program delegates, Phi Theta Kappa co-president, and LifeSmarts winners, and presented the following remarks:

"Colleagues, I would like to begin our Education Week program today by taking a moment to acknowledge the awesome students and staff at Waipahu High School, who have 10 Presidential Scholar nominees this year. There are only 74 nominations statewide, 29 of whom hail from public schools. It is an amazing accomplishment, as these Waipahu nominees represent one-third of all public school nominations this year. I would like to congratulate Principal Zachary Sheets, the faculty and staff of Waipahu High School, and these deserving nominees: Rovialyn Arciaga, Harold Jay Cacal, Audrey Dagdagan, Ciara Mae Francisco, Mya Habon-Godding, Danica Regine Ilaga, Janine Lei Lopez, Sean Michael Valencia Monte, Hunter Von Tungeln, and Maverick Yasuda. Senate President, may I request that their names be entered into the Senate Journal? (The Chair so ordered.)

"Today marks day four of Education Week, and we have the pleasure of welcoming student guests to the Senate floor who represent some of the brightest young minds of their generation and the future of our community here in Hawai'i. I would like to welcome the student awardees, their families, teachers, and peers who have gathered here to recognize them. I would like to open with the Hawai'i delegates of the 2023 U.S. Senate Youth Program. I call upon the honoree's residential district senator from District 10."

Senator Ihara rose to present the following remarks:

"The U.S. Senate Youth Program was created by a Senate resolution in 1962 and has been sponsored by the U.S. Senate and funded by the Hearst Foundations. This merit-based program was established to further national youth education on the three branches of government, the responsibilities of elected officials, and to emphasize the importance of democratic decisions and relationships throughout the world. Each year, only two delegates from each state are selected. It is my privilege now to recognize one of the 2023 Hawai'i delegates who happens to come from my District 10, Daniel Pruder.

"Daniel is a senior at Punahou School and leader of the school's Model UN, civic engagement programs, and theater program. He has served on the Honolulu Youth Commission since 2021 as vice-chair and currently as chair. Daniel has also volunteered with the first legislative committee of Vote16HI, which seeks to lower the statewide voting age to 16. He was awarded Outstanding Advocate for Children and Youth during the 2022 Hawai'i Children and Youth Day celebration, and received the Mayor's Award of Recognition for his appointment to the Honolulu Youth Commission.

"I am honored to recognize Daniel Pruder as one of the deserving Hawai'i delegates of the 2023 U.S. Senate Youth Program. Thank you, Daniel; congratulations. Mr. President, I yield this floor back to Senator Kidani."

Senator Kidani rose to present the following remarks:

"The U.S. Senate Youth Program delegates are nominated by teachers and principals, and selected by state departments of education as well as the District of Columbia and Department of Defense Education Activity based upon outstanding leadership abilities, extraordinary volunteerism, and academic rank within the top one percent of their state. The program mission aims to instill knowledge and interest of the American political process in student delegates and affirm their lifelong commitment to public service. It is with great pride that I acknowledge our second student delegate, who is from my district, Mr. Maverick Yasuda.

"Mr. Yasuda is a senior at Waipahu High and a member of student government, Phi Theta Kappa collegiate honor society, Ivy League club, and serves as the vice president of the school's Academy of Natural Resources. He will receive an associate's degree in liberal arts upon graduation. Mr. Yasuda is also the current student member on the Hawai'i State Board of Education, representing the voices of 168,000 public school students. He was named Outstanding Advocate for Children and Youth during the 2022 Hawai'i Children and Youth Day celebration. His participation in the U.S. Senate Youth Program is a testament to his outstanding commitment to his academic and extracurricular pursuits as well as his admirable service contributions.

"Please join me in recognizing Maverick Yasuda as one of Hawai'i's 2023 U.S. Senate Youth program delegates. I now yield the floor to the senator from 'Ewa Beach."

Senator Fevella rose to present the following remarks:

"I have the great honor of recognizing an outstanding individual from my District 20 who is not only an extraordinary student but an extraordinary leader as well. Please help me welcome international co-president of Phi Theta Kappa, Keziah Christie Unciano Ancheta.

"Phi Theta Kappa Honor Society (otherwise known as PTK) is an internationally recognized honor society that provides

scholarship and leadership opportunities for its members. PTK was established in 1918, and by 1929, it was recognized as the official national honor society for junior colleges with a focus on academic excellence and enrichment. Now in its 105th year, PTK has grown to include more than 3.8 million members in the U.S. and 11 nations, with a presence on nearly 1,300 campuses. In 2018, Waipahu High School made PTK history when it became the first high school in the nation to charter a chapter of Phi Theta Kappa.

"Ms. Ancheta has been a proud member of Waipahu's PTK Beta Chi Omega Chapter since 2021, serving as the 2021–2022 PTK Pacific Region president before making PTK history for the second time when she was elected as PTK's 2022–2023 international co-president while a senior at Waipahu High. In this role, she is the first and youngest dually enrolled student to serve as an international officer.

"Ms. Ancheta is a dually enrolled student in her senior year at Waipahu High School and the University of Hawai'i. Upon graduation, she will receive an associate in arts degree with a certificate in business management from Leeward Community College. She was an inductee for the Phi Theta Kappa's Beta Chi Omega Chapter, the National Honor Society, National Technical Honor Society, and has also received career technical engineering (CTE) honors. Beyond the classroom, Ms. Ancheta was recognized as a mayoral appointee for the Honolulu Youth Commission, serving as secretary. Her historic leadership appointment is a testament to her outstanding commitment to her academic and extracurricular pursuits as well as her admirable service contributions.

"Please join me in celebrating Keziah Christie Unciano Ancheta for her historic appointment as Phi Theta Kappa's 2022–2023 international co-president. I now yield the floor to Senator Fukunaga. Mahalo."

Senator Fukunaga rose to present the following remarks:

"For our final Education Week presentation of the day, I am delighted to acknowledge the winners of the 2023 LifeSmarts competition. With us on the floor this morning is Maryknoll School team captain Chris Ho—please stand to be recognized.

"Four teams from O'ahu schools took top honors in the 19th annual statewide competition, with Waipahu High School's Team 2 taking fourth place, Kalani High School's team taking third place, Waipahu High School's Team 1 earning second place, and Maryknoll School winning first-place honors. Joining us here today are the deserving District 11 team members of Maryknoll School, our 2023 LifeSmarts competition winners. I guess we should ask all of them to stand and be recognized: Adam Nelson, Maddy Agustin, Benson Leung, Kaitlyn McLeod-Asahan, and their coach, Kit-U Wong.

"The annual LifeSmarts consumer education competition is a game show-style contest that tests students on their knowledge of personal finance, health and safety, the environment, technology, and consumer rights and responsibilities. It is sponsored in Hawai'i by the Department of Commerce and Consumer Affairs and the Office of the Securities Commissioner in partnership with the Hawaii Credit Union League. It is a free educational program that prepares students to enter the real world as smart consumers by teaching them the skills they need to succeed in a modern global marketplace.

"In the statewide final hosted at the University of Hawai'i at Mānoa's Campus Center Ballroom, Maryknoll School emerged victorious, and so we'd like to welcome them to the Capitol today and to congratulate them on winning this award. Thank you very much. I now yield the floor to Senator Kidani."

Senator Kidani rose and stated:

"Before we close our program today, I wanted to also recognize the 2022 Hawai'i delegates of the U.S. Senate Youth program, Enjl Himoya, who graduated from Hilo High School, and Joshua Ching, who graduated from Kamehameha Schools Kapālama. These extraordinary young men represented Hawai'i last year and have since gone on to further their studies. Mr. Himoya is currently attending the University of California, Berkeley, where he is studying business administration and legal studies, data science. Mr. Ching is currently attending Yale University, where he is studying political science and ethnicity, race, and migration studies.

"I would also like to take a moment to recognize the third-place winners of the 2023 LifeSmarts competition from Kalani High School, who have joined us here today in the gallery—please stand.

"Senate President, may I request that the names of the second-, third-, and fourth-place winning LifeSmarts teams and the 2022 Senate Youth Program delegates be entered into the Senate Journal? (The Chair so ordered.) Thank you, Mr. President.

"Colleagues, today's deserving honorees are an important reminder of the profound kuleana we have to nurture our keiki as the future of our state. As your Education chair, I am especially moved and proud to recognize the accomplishments of our students as they make strides on their academic journey. They may very well be sitting in these seats one day (not too soon for some of us, I hope), reflecting upon this moment of recognition which affirmed their commitment to community. Tomorrow is our final day of Education Week 2023, and I am eager to acknowledge the dedicated educators joining us on the Senate floor to be honored for their extraordinary contributions. Senate President, I now yield the floor."

The Chair having so ordered, the names of the LifeSmarts teams read as follows:

"LifeSmarts 2023 2nd Place: Waipahu High School Team 1: Isabelle Ava Delos Santos, Estefany Mae Bayudan, Ken Hirohata, Hunter Von Tungeln, Serenity Kalai, and coach Cindy Takara.

"LifeSmarts 2023 3rd Place: Kalani High School: Brandon Tran, Kyla Iglesia, Andy Chen, Michelle He, Mason Vuong, and coach Mike Zane.

"LifeSmarts 2023 4th Place: Waipahu High School Team 2: Avril Rose Valdes, Jarell Ballesteros, Breeana Cabigas, Louis Marco Coloma, Nhut Ky Lu, and coach Cindy Takara."

The Chair having so ordered (on the Twenty-Ninth Day, March 13, 2023), the names and accomplishments on the honorees read as follows:

"Awardees on the Floor: Daniel Pruder (Hawai'i delegate of the 2023 U.S. Senate Youth Program), Maverick Yasuda (Hawai'i delegate of the 2023 U.S. Senate Youth program), Keziah Christie Unciano Ancheta (Phi Theta Kappa's 2022–2023 international co-president), and Chris Ho (captain of Maryknoll School's 2023 LifeSmarts competition-winning team).

"Guests in the Gallery: Isaiah Ancheta, Tiffany Ancheta, Klem Unciano, Leticia Unciano, Hazel VonBehren, Frankie Lee, Michael Ho, Cynthia Ho, Mario Agustin, Julian Yates, Jana Nelson, Zachary Nelson, Maddy Agustin, Adam Nelson, Kaitlyn McLeod, Flossie Steffany, Laurie Katagiri-Hoshino, Curtis Pruder, Sina Pruder, Kit-U Wong, Brandon Tran, Kyla Iglesia, Michelle Ho, Brandalyn Tran, Monica Yasuda, Theresa Kong Kee, Gloryana Akapo, Ryan Udel, Minh Ly Tran, and Sandy Sho."

The Chair led the members in a round of applause for all the honorees.

The Chair stated that, because of the short agenda, the Senate would conclude the agenda and greet the honored guests on the floor after adjournment. The Chair invited team members sitting in the gallery to come down to the floor at that time.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 459 to 461) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 459, transmitting H.B. No. 133, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, H.B. No. 133, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed First Reading by title and was referred to the Committee on Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 460, transmitting H.B. No. 300, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, H.B. No. 300, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 461, transmitting H.B. No. 382, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 2023, was placed on file.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, H.B. No. 382, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1138) recommending that H.B. No. 69, H.D. 1, 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 H.B. No. 69, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFTER-SCHOOL PROGRAMS," 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. 1139) recommending that H.B. No. 1045, H.D. 1, 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 H.B. No. 1045, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," 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. 1140) recommending that H.B. No. 1330, H.D. 1, 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 H.B.

No. 1330, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator San Buenaventura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1141) recommending that H.B. No. 378, H.D. 2, as amended in S.D. 1, 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 H.B. No. 378, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator San Buenaventura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1142) recommending that H.B. No. 1369, H.D. 1, 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 H.B. No. 1369, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING FACILITIES," 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. 1143) recommending that H.B. No. 899, H.D. 2 pass Second Reading and be referred to the Committee on Transportation and Culture and the Arts.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and H.B. No. 899, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Transportation and Culture and the Arts.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1144) recommending that H.B. No. 1394, H.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 H.B. No. 1394, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1145) recommending that H.B. No. 12, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary.

On motion by Senator Wakai, seconded by Senator DeCoite and carried, the report of the Committee was adopted and H.B. No. 12, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1146) recommending that H.B. No. 153, H.D. 1, 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 H.B. No. 153, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE WATER CODE PENALTIES," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1147) recommending that H.B. No. 201, H.D. 2, 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 H.B. No. 201, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1148) recommending that H.B. No. 364, 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 H.B. No. 364, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 1149) recommending that H.B. No. 365, H.D. 1, 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 H.B. No. 365, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," passed Second Reading and was referred to the Committee on Judiciary.

ORDER OF THE DAY

REFERRAL OF A HOUSE CONCURRENT RESOLUTION

The President made the following committee assignment of a House concurrent resolution received on Friday, March 10, 2023:

H.C.R. No.: Referred to:

H.C.R. No. 28 Jointly to the Committee on Health and Human Services and the Committee on Transportation and Culture and the Arts

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. 870, Committee on Health and Human Services,
H.D. 2 then to the Committee on Ways and Means

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

"Mr. President, can I request that leadership provide the body with clarification on the intent of a moment of contemplation as well as the difference with a point of personal privilege so members would have a better idea?"

The Chair responded that they would do so.

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

"I don't want to wait until tomorrow. Colleagues, I just wanted to thank the senator from Mililani, always challenging me and giving me tasks that I don't like do. But I thank her for her great achievement in Education Week because it educates me, saying names that I cannot say, but I appreciate you; that's why I was so nervous. Now I'm not sweating, but I was sweating earlier. I just wanted to thank Senator Kidani for Education Week and educating us. Mahalo."

The Chair extended his thanks to Senator Kidani and her staff for their hard work.

ADJOURNMENT

At 11:56 a.m., on motion by Senator Wakai, seconded by Senator DeCoite and carried, the Senate adjourned until 11:30 a.m., Friday, March 17, 2023.