

THIRTY-THIRD DAY

Friday, March 15, 2024

The Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024, convened at 11:40 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with the exception of Senators Ihara, Kim, and Richards who were excused.

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

At this time, Senator Fukunaga introduced visitors from Stevenson Middle School who were present in the gallery: teachers Dr. Andrea-Bernadette Pratt, Mr. Marcus Shinbo, Mr. Darren Serra, and Ms. Nicole Amano; and eighth-grade students. Senator Fukunaga requested that the names of the students be entered into the Journal, and the Chair so ordered.

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

"Cyrus Tang, Lam Nhi, Christopher Li, Farhan Shams, Jackson Wheeler, Bryan Gushiken, Brian Nakai, Leila Song, Cyrell Tuazon, Joshua Walter, Ava Badiable, Olivia deNeveu, A-Fitfon Fiti, Isaiah Hasegawa, Zaylee Hunziker, Suzuko Kawaguchi, Skyler Ma, Aruhn Salmer Naruhn, Jing Cheng Ni, Curtis Ortiz, Uriah Paopao, Haliaka Rattley, Nanami Yano, Reika Birn, Alonzo Chavez, Kelly Mae Daculiat, Preston Harada, Mia Hudson, Kayla Kakesako, Shilho Kane, Emily Lau, Seamus Murphy, Ashley Rimarim, Jacquelyn Tucker, Kiara Keopuhiwa-Siracusa, Jemalie Sieberg-Palalay, and Bailly Pascual-Tabuyo."

Senator DeCoite recognized members of the Kīpahulu 'Ohana from Kīpahulu, Maui, who were at the Capitol for Ocean Awareness Day. Senator DeCoite noted that Kīpahulu, after many years of community collaboration, had gained the community-based subsistence fishing area (CBSFA) designation through the Department of Land and Natural Resources' Division of Aquatic Resources. Seated in the gallery were Auntie Tweedie Lind, who did not often leave Kīpahulu; Kamalei Pico; Crichton Kauiki Lind; Kaneholani Lind; and Pekelo Lind.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 1102) was read by the Clerk and was placed on file:

Gov. Msg. No. 1102, informing the Senate that on March 14, 2024, the Governor signed into law House Bill No. 2520 as Act 2, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION."

STANDING COMMITTEE REPORTS

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3087) recommending that H.B. No. 2218, 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. 2218, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Wakai, for the majority of the Committee on Public Safety and Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3088) recommending that H.B. No. 2193, 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 majority of the Committee was adopted and H.B. No. 2193, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary and 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. 3089) recommending that H.B. No. 2241, 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. 2241, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the majority of the Committee on Public Safety and Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3090) recommending that H.B. No. 2352, 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 majority of the Committee was adopted and H.B. No. 2352, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Wakai, for the Committee on Public Safety and Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3091) recommending that H.B. No. 2483, 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. 2483, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Wakai, for the Committee on Public Safety and Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3092) recommending that H.B. No. 2610, 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. 2610, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the majority of the Committee on Housing, presented a report (Stand. Com. Rep. No. 3093) recommending that H.B. No. 1633, H.D. 1, 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. 1633, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Chang, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 3094) recommending that H.B. No. 1808, 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. 1808, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the majority of the Committee on Housing, presented a report (Stand. Com. Rep. No. 3095) recommending that H.B. No. 2328, H.D. 2, 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 majority of the Committee was adopted and H.B. No. 2328, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 3096) recommending that H.B. No. 1833, 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. 1833, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the majority of the Committee on Housing, presented a report (Stand. Com. Rep. No. 3097) recommending that H.B. No. 2292, H.D. 2, 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 majority of the Committee was adopted and H.B. No. 2292, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING DEVELOPMENT," 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. 3098) recommending that H.B. No. 1886, 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. 1886, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," 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. 3099) recommending that H.B. No. 2107, H.D. 2, 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. 2107, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT

RELATED TO DISASTER SERVICES," 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. 3100) recommending that H.B. No. 2458, 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. 2458, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Wakai, for the Committee on Public Safety and Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3101) recommending that H.B. No. 2582, 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. 2582, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL INFRASTRUCTURE INFORMATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Wakai, for the Committee on Public Safety and Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3102) recommending that H.B. No. 2581, H.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. 2581, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3103) recommending that H.B. No. 1595, 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. 1595, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, MARCH 14, 2024

S.R. No. 97:

Senator Awa moved that S.R. No. 97 be adopted, seconded by Senator Wakai.

Senator Awa spoke in support of the measure as follows:

"First, Resolution No. 97: I'd like to mahalo our majority policy leader, who's not here today, and our majority leader for allowing this discussion and vote to happen. I know that many of you will probably just vote 'no' to this for whatever reason it may be, but I look at this, at minimum, as an opportunity to improve our public perception, and I haven't done this for a while, but if the news is watching and they're writing this for

tonight's news, I'll give you a breakdown of what the vote would look like here.

"I'm only sitting because I'm going to read this, and I'll read it as if I was reading the news:

Good evening. Tonight's top story: Hawai'i senators vote to preserve their right to get tipsy on taxpayer time. A current loophole allows lawmakers to drink on the job despite a statute that prohibits alcohol at our state capitol. Constituents tonight criticizing lawmakers for taking a 'do as I say, not as I do' approach to today's landslide vote in favor of exempting their offices from the state's rule. Our investigative reporters dug into the Senate's policy and found, while it bans smoking, it does not address alcohol. Senate Resolution No. 97 would have added the state's rule to the Senate's policy. Coming up at ten, Mothers Against Drunk Driving speaks against the senators shunning sobriety.

"I hope that didn't offend any of you guys, but, you know, in the news, that's kind of how it would play. I don't want it to play that way; we shouldn't allow it to play that way. This is an opportunity we can do what the public thinks should be common sense, automatic: Vote this thing through, be leaders. I know the senator from Kalihi, last week, in regards to alcohol, said, 'Let's just be done with it and say "zero tolerance."' I believe that should start here; it should start with our offices. So that is why I support Senate Resolution No. 97."

Senator Kanuha spoke in opposition to the measure as follows:

"Mr. President, it is inappropriate for us to change our rules mid-session. Thank you."

Senator Fevella spoke in opposition to the measure as follows:

"You know, we talk about being responsible adults. I read a marijuana bill that was going to be passed that said that we're responsible adults, that our kids are not going to get it. Marijuana right now is not legal with the feds. Alcohol is. I don't condone alcohol, drinking anywhere on the job or anywhere else, but, again, everybody here is adults—respectable adults. The community trusted them and voted for them. To have a policy or change a policy because you don't want to be on the evening news, to me, that's not fair.

"Second one—I'm against S.R. 144. In my community, yes, they want food trees. He said there's no liability. Yes, there is. When that tree gets big, somebody hits it and die, who's going to get sued? If he's not in office or the person's not in office, the state will get sued. DOT will get sued. We having that in my community right now with Ocean Pointe, planting trees, cars hitting it, and they getting sued.

"So, again, I cannot support S.R. 97 and S.R. 144 for those reasons. Thank you, Chair."

The motion was put by the Chair and failed to carry, and S.R. No. 97, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE TO PROHIBIT MEMBERS AND OFFICERS OF THE SENATE FROM CONSUMING ALCOHOL WITHIN THE STATE CAPITOL," failed to be adopted.

S.R. No. 144:

Senator Awa moved that S.R. No. 144 be adopted, seconded by Senator Wakai.

Senator Awa spoke in support of the measure as follows:

"Senate Resolution No. 144: This is regards to planting food trees in government spaces. We tried to introduce a measure, a bill, to do this. It was shut down last year. That was actually a plus for us because when it got shut down, there were so much people in our community on the east side who wanted to plant food, and so we went to the DOT, we got permission from them, we planted 70 'ulu and mountain apple trees on the side of Kahekili Highway. We're looking at extending that. We've heard every reason (liability is the top) for not planting food, and we were able to get over all of those barriers and do it, and so I would like our project, which is going well—the trees are all growing, and we're getting food for free for the public, hopefully in about four to five years. I would like that to be across the state where applicable, where it can, where there's water. So that is my request to you guys today is, approve that one as well and plant at least one food tree in your district during your term and make sure every senator that comes into this building does the same because, at minimum, that's something positive we can do for the next generation. I know we all support that as far as mindsets. That's my request. That's why I support those. Mahalo."

Senator Kanuha spoke in opposition to the measure as follows:

"Mr. President, it is inappropriate for us to change our rules mid-session. Thank you."

Senator Fevella spoke in opposition to the measure as follows:

"You know, we talk about being responsible adults. I read a marijuana bill that was going to be passed that said that we're responsible adults, that our kids are not going to get it. Marijuana right now is not legal with the feds. Alcohol is. I don't condone alcohol, drinking anywhere on the job or anywhere else, but, again, everybody here is adults—respectable adults. The community trusted them and voted for them. To have a policy or change a policy because you don't want to be on the evening news, to me, that's not fair.

"Second one—I'm against S.R. 144. In my community, yes, they want food trees. He said there's no liability. Yes, there is. When that tree gets big, somebody hits it and die, who's going to get sued? If he's not in office or the person's not in office, the state will get sued. DOT will get sued. We having that in my community right now with Ocean Pointe, planting trees, cars hitting it, and they getting sued.

"So, again, I cannot support S.R. 97 and S.R. 144 for those reasons. Thank you, Chair."

The motion was put by the Chair and failed to carry, and S.R. No. 144, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE TO REQUIRE EACH MEMBER TO PLANT AT LEAST ONE FOOD TREE ON STATE LAND," failed to be adopted.

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. 43	Committee on Housing
S.C.R. No. 45	Committee on Housing
S.C.R. No. 58	Committee on Housing
S.C.R. No. 61	Committee on Housing

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. 31	Committee on Housing
S.R. No. 33	Committee on Housing
S.R. No. 47	Committee on Housing
S.R. No. 50	Committee on Housing

At this time, Senator Kidani announced that, the following week, legislators would celebrate and remember the critical role that education plays in shaping future generations. Senator Kidani added that on the members' desks were copies of the following week's events, which would celebrate outstanding students, educators, administrators, and faculty. Senator Kidani noted that honorees would be at the Capitol to be recognized and that she was looking forward to the festivities.

The Chair thanked Senator Kidani and her staff for the hard work of preparing for Education Week.

Senator DeCoite clarified that the collection of baskets for the annual Easter basket drive would take place on March 27th. Senator DeCoite added that she would be passing out the Easter bunny ballot and asked the members to fill it out by choosing one representative and one senator. Senator DeCoite noted that the ballots should be returned to Representative Lauren Matsumoto's office in Room 302 that day.

ADJOURNMENT

At 11:51 a.m., on motion by Senator Wakai, seconded by Senator DeCoite and carried, the Senate adjourned until 11:30 a.m., Monday, March 18, 2024.