

TWENTY-SECOND DAY

Wednesday, February 19, 2020

The House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020, convened at 12:03 p.m., with Vice Speaker Nakashima presiding.

The invocation was delivered by Pastor David "Waxer" Tipton of One Love Ministries, after which the Roll was called showing all members present with the exception of Representative Ichiyama, who was excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-First Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 21 through 23) were received and announced by the Clerk:

Sen. Com. No. 21, transmitting S.B. No. 2059, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WELL ABANDONMENT," which passed Third Reading in the Senate on February 18, 2020.

Sen. Com. No. 22, transmitting S.B. No. 2265, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOMELANDS," which passed Third Reading in the Senate on February 18, 2020.

Sen. Com. No. 23, transmitting S.B. No. 2923, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," which passed Third Reading in the Senate on February 18, 2020.

On motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representative Ichiyama was excused.)

S.B. No. 2059, SD 1
S.B. No. 2265, SD 2
S.B. No. 2923, SD 1

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 409 through 411) were received by the Clerk and were placed on file:

Dept. Com. No. 409, from the County of Hawaii Police Department, dated January 30, 2020, transmitting the 2019 Report Concerning Electric Guns, pursuant to Section 134-16(d), HRS.

Dept. Com. No. 410, from the City and County of Honolulu Police Department, dated January 31, 2020, transmitting the Legislative Disciplinary Report, Reporting Year 2019, pursuant to Section 52D-3.5, HRS.

Dept. Com. No. 411, from the Kauai County Council, dated December 19, 2019, transmitting the annual report on the effectiveness and application of limited procedures provided in HRS Section 92-3.1(b), pursuant to Act 56, SLH 2016.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 2 and 3) were received by the Clerk and were placed on file:

Misc. Com. No. 2, from Papa Ola Lokahi, dated December 13, 2019, transmitting the report, An Assessment of the Impact on Social, Financial, and Cultural integrity of Providing Health Coverage for Certain Native Hawaiian Culture-based Activities, pursuant to S.C.R. No. 74, SD 1 (2018).

Misc. Com. No. 3, from Hawaii Medical Service Association, dated December 31, 2019, transmitting the HMSA QUEST Integration 2019 Medicaid Contracting Report, pursuant to Act 12, First Special SLH 2009.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative McDermott introduced his wife, Utufoasili McDermott.

Representative Saiki introduced the family of Rod Tanonaka, House Sergeant-at-Arms: Hope Tanonaka, wife; Ashlyn Onaga, daughter; Dane Onaga, son; and Avery Jean Onaga, granddaughter.

At 12:10 p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:36 p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representative Ichiyama was excused.)

UNFINISHED BUSINESS

H.B. No. 2709, HD 1:

Representative Belatti moved that H.B. No. 2709, HD 1 pass Third Reading, seconded by Representative Morikawa.

At this time Representative Takayama offered Floor Amendment No. 1, amending H.B. No. 2709, HD 1 as follows:

SECTION 1. House Bill No. 2709, H.D. 1, section 4, is amended to read as follows:

"SECTION 4. This Act shall take effect on July 1, 2050."

Representative Takayama moved the Floor Amendment No. 1 be adopted, seconded by Representative Lee.

Representative Takayama rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, the purpose of this floor amendment is to add a defective effective date to the measure before us."

The motion that Floor Amendment No. 1, amending H.B. No. 2709, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," be adopted, was put to vote by the Chair and carried, with Representative Ichiyama being excused.

At 12:37 p.m., the Chair noted that Floor Amendment No. 1 was adopted.

At this time, the Chair stated:

"Members, please note the 48-hour notice for this measure."

H.B. No. 1902, HD 1:

Representative Belatti moved that H.B. No. 1902, HD 1 pass Third Reading, seconded by Representative Morikawa.

At this time Representative Takayama offered Floor Amendment No. 2, amending H.B. No. 1902, HD 1 as follows:

SECTION 1. House Bill No. 1902, H.D. 1, is amended by adding a new section at page 16, line 12, to read as follows:

"SECTION 6. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

SECTION 2. House Bill No. 1902, H.D. 1, is amended by renumbering section 6 as section 7.

SECTION 3. House Bill No. 1902, H.D. 1, is amended by renumbering section 7 as section 8 and amending section 8 to read as follows:

"SECTION 8. This Act shall take effect on July 1, 2050; provided that the amendments made to section 571-84(a), Hawaii Revised Statutes, by section 2 of Act 225, Session Laws of Hawaii 2019, shall not be affected by section 4 of this Act when Act 225, Session Laws of Hawaii 2019, becomes effective on January 1, 2021."

Representative Takayama moved the Floor Amendment No. 2 be adopted, seconded by Representative Lee.

Representative Takayama rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, the purpose of this proposed floor amendment is to add a defective effective date to HB 1902, as well as a severability clause to the measure."

The motion that Floor Amendment No. 2, amending H.B. No. 1902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," be adopted, was put to vote by the Chair and carried, with Representative Ichiyama being excused.

At 12:38 p.m., the Chair noted that Floor Amendment No. 2 was adopted.

At this time, the Chair stated:

"Members, please note the 48-hour notice for this measure."

REPORTS OF STANDING COMMITTEES

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 682-20) recommending that H.B. No. 1747, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1747, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX TRAFFICKING," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ichiyama being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 683-20) recommending that H.B. No. 2060, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2060, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ichiyama being excused.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 684-20) recommending that H.B. No. 1673, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1673, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ETHICS CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ichiyama being excused.

Representatives Lee and Takayama, for the Committee on Judiciary and the Committee on Public Safety, Veterans, & Military Affairs, presented a report (Stand. Com. Rep. No. 685-20) recommending that H.B. No. 2744, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Belatti moved that the report of the Committees be adopted, and that H.B. No. 2744, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Morikawa.

Representative McDermott rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I will be brief. I stand in opposition to this measure. And while well intended and has some good points to it, I just want to reemphasize, because I didn't see it in the committee report, this commission of medical professionals and law enforcement officers, I hope they understand that the need is to get there for the mentally ill, we really got to crack that egg. And it has medical professionals in the committee report, but I also want to ensure that there's psychiatrists, psychologists, and people of that discipline, so we maybe get a better understanding of what drives people to commit these unspeakable acts. Thank you."

Representative Okimoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Matsumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Kong rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative DeCoite rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2744, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GUN VIOLENCE PREVENTION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives DeCoite, Har, Kong, Matsumoto, Okimoto, Tokioka, and Ward voting aye with reservations, with Representative McDermott voting no, and with Representative Ichiyama being excused.

Representatives Lee and Takayama, for the Committee on Judiciary and the Committee on Public Safety, Veterans, & Military Affairs, presented a report (Stand. Com. Rep. No. 686-20) recommending that H.B. No. 2736, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Belatti moved that the report of the Committees be adopted, and that H.B. No. 2736, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Morikawa.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition of this one as well. Again, well intended as they all are to try and promote safety, but I don't see how this does promote safety other than making it very difficult for someone to purchase ammunition. If on my way home my brother-in-law asks me to pick up some .30-06, I can't do that, I have to have a gun registration with me."

"In fact, I don't know if this has ever been linked to any sort of mass shooting, if it has been then I stand corrected. This ammunition thing, I don't know what our purpose is other than to make us feel good that we've done something, whatever that is, it's something."

"I want to read paragraph four out of the committee report for you. 'Allowing a registered owner of a firearm to obtain a permit, for up to three years at a time, to purchase ammunition of a caliber that is not the caliber listed on the registered firearm if the owner demonstrates to the police that the firearm is capable of firing a caliber of ammunition that is not the caliber

listed on the registration of the firearm.' And if you can solve that, you've solved the Rubik's Cube. Thank you, sir."

Representative Okimoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative DeCoite rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Eli rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Kitagawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Quinlan rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I'll reserve the bulk of the comments on this measure for a future reading, but just wanted to note, I think, due appreciation to the comments from the good Representative from Ewa Beach, there is a clear and urgent need, as was testified to by HPD and some of our other law enforcement officials, to get a grip on the black market trafficking of weapons, but as well, preventing those weapons and ammunition from falling into the wrong hands.

"And this measure simply demonstrates that for a valid, legal, responsible firearms owner, they're able to go in and purchase ammunition as they normally would, just by showing their registration, or designating someone else to be able to purchase it on their behalf. I think in the example the good representative gave, could have had a family member or friend or whomever, provided of course they're not a felon, be able to go in and get that as well.

"This also, for those gun owners who have guns which can fire multiple calibers of ammunition by swapping out barrels, allows them to do that too. This was something that the NRA and other folks specifically asked for, so we made those amendments going forward to make sure that this doesn't restrict anyone's ability to be a responsible firearms owner, but simply makes sure that if you are an illegitimate criminal with a gun that is not yours, that you've stolen or come across through the black market, you are then less able to get ammunition readily to be able to commit some sort of murder or crime. Thank you."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Kong rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Cachola rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative San Buenaventura rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Same request, but I'm happy that there is a defective date so hopefully the problems can be worked out moving forward. Thanks."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2736, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AMMUNITION," passed Second

Reading and was placed on the calendar for Third Reading, with Representatives Cachola, Cullen, Har, Kitagawa, Kong, McKelvey, and San Buenaventura voting aye with reservations, with Representatives DeCoite, Eli, McDermott, Okimoto, Quinlan, Tokioka, and Ward voting no, and with Representative Ichiyama being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 31 and 32) and concurrent resolutions (H.C.R. Nos. 46 and 47) were referred to Printing and further action was deferred:

H.R. No. 31, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, IN CONSULTATION WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, TO CONDUCT A STUDY RELATING TO THE REPORTING REQUIREMENTS OF SECTION 353C-8.5, HAWAII REVISED STATUTES," was offered by Representative Takayama.

H.R. No. 32, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO CONDUCT A STUDY ON THE EFFECTS OF FELONY DISENFRANCHISEMENT, PARTICULARLY THE EFFECTS ON MINORITY GROUPS," was jointly offered by Representatives San Buenaventura, Brower, Cachola, Creagan, Hashimoto, Holt, Ichiyama, D. Kobayashi, Kong, Lee, Lowen, Matayoshi, Mizuno, Morikawa, Nakashima, Nishimoto, Quinlan, Say, Takumi, Tarnas, Todd, Tokioka, Wildberger, Woodson, Yamashita, McDermott, Okimoto, and Onishi.

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, IN CONSULTATION WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, TO CONDUCT A STUDY RELATING TO THE REPORTING REQUIREMENTS OF SECTION 353C-8.5, HAWAII REVISED STATUTES," was offered by Representative Takayama.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO CONDUCT A STUDY ON THE EFFECTS OF FELONY DISENFRANCHISEMENT, PARTICULARLY THE EFFECTS ON MINORITY GROUPS," was jointly offered by Representatives San Buenaventura, Brower, Cachola, Creagan, Hashimoto, Holt, Ichiyama, D. Kobayashi, Kong, Lee, Lowen, Matayoshi, Mizuno, Morikawa, Nakashima, Nishimoto, Onishi, Quinlan, Say, Takumi, Tarnas, Todd, Tokioka, Wildberger, Woodson, Yamashita, McDermott, and Okimoto.

ANNOUNCEMENTS

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.B.
No.

Re-referred to:

1678 Committee on Tourism & International Affairs, then to the Committee on Finance

ADJOURNMENT

At 12:46 p.m., on motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the House of Representatives adjourned until noon Thursday, February 27, 2020. (Representatives Ichiyama, Tokioka, and Yamane were excused.)