

## SIXTEENTH DAY

Friday, February 11, 2022

The House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022, convened at noon, with Vice Speaker Mizuno presiding.

The invocation was delivered by Representative Aaron Ling Johanson, after which the Roll was called showing all members present, with Representatives Har, Kitagawa, D. Kobayashi, LoPresti, Lowen, Matayoshi, Perruso, Todd, Tokioka, Ward, and Wildberger participating remotely via videoconference, and with the exception of Representative McDermott, who was excused.

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

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

Representative Tarnas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 208-22) recommending that H.B. No. 1577, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1577, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Morikawa.

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

"In support, Mr. Speaker. HB 1577 appropriates funds for the continual remediation of Kahoolawe. It should serve as a lesson to this legislature and to other elected officials for who holds the tab when the United States Navy leaves a mess for environmental remediation for now and for future endeavors. Thank you so much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1577, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHŌ'OLAWĒ ISLAND RESERVE COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 209-22) recommending that H.B. No. 1462 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1462, entitled: "A BILL FOR AN ACT RELATING TO WITNESS FEES IN CRIMINAL CASES," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 210-22) recommending that H.B. No. 1537 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1537, entitled: "A BILL FOR AN ACT RELATING TO THE CHILDREN'S JUSTICE PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 211-22) recommending that H.B. No. 1539, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1539, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

THE SAFETY OF JUDICIARY PERSONNEL," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 212-22) recommending that H.B. No. 1551, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1551, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 213-22) recommending that H.B. No. 1567, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1567, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Morikawa.

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

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

"Mr. Speaker, I rise in opposition, brief comment, please. This is formally known as HB 1567. On the streets it's known as get out of jail free or felon privileges and rights. My point, Mr. Speaker, is this is a no bail bill. You don't have to show up because you don't have any skin in the game. And I think this is in an opposite direction. If we look on the mainland, what's going on in these cities that where there is just a real outbreak of a crime—"

Representative Belatti rose to a point of order, stating:

"Point of order. We just need to see Minority Leader Emeritus on the screen. We can't see him. Thank you."

Representative Ward continued, stating:

"I was looking at the bill, actually. Hold on one second. I'm going right back. Thank you, Majority Leader, I didn't know my face was so desirable.

"On the street, it's known as a get out of jail free. It's for the felons who basically know that it's a revolving door. And this, having no bail or no skin in the game is not going to stop them. The point is, this issue I brought up in the committee hearing, and Kat Brady, all of you know who Kat Brady is, she said, well, because I said the bill is not needed and it's going to be to a disadvantage and encourage or enable, if you will, people who are criminal. And she said, well, in 2019, we passed a promissory note option where if you don't have the money, and I know there's a bleeding heart, look, you're poor, we don't want to punish the poor, but the poor can sign an IOU, a promissory note. And if they do show up, it's canceled.

"So, Mr. Speaker, the point is we don't need this. It's an encouragement and it's an enabling which if we see what's going on in the mainland and we learn from it, hey guys, this is not good policy, it's just not good policy. I don't care how many people are getting overcrowded or whatever. We've got to protect our citizens, our constituents, and this is not the way to go. Let's do the promissory note, make them sign. If they have less than \$100 to their name, let them sign their promissory note, let them show up. That's the whole point. Let them show up and let the judicial process and the wheels of justice move. For those reasons, Mr. Speaker, I hope this bill doesn't go farther than today or next week. Thank you."

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

"In support, brief comment. Thank you, Mr. Speaker. I do want to point out that, as the previous speaker said, the previous speaker doesn't seem to be against the concept of this because he is in favor of the promissory note provision. What this bill does is it simply allows certain nonviolent

offenders with a bunch, kind of a laundry list of exemptions, to be not jailed prior to their hearing.

"So, we all know about the jail overcrowding situation. This bill was meant to alleviate that. If they commit another crime while they're out, this bill does not apply. So, we're not releasing violent offenders onto the streets. If someone is unlikely to return, then this bill will not apply. I think the Representative from Hawaii Kai is maybe misconstruing and over inflating the risk to society that this bill purportedly causes. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, second time in opposition, just a brief retort. If what the good representative has just said is true, then the mainland crime spree would not be in the no bail areas and particularly those cities where it's a revolving door and they look at the smash and grab guys, they're in and then they're out, they're in and they're out, because they know they don't have any skin in the game, they don't have to put up any bail.

"Pretrial hearings are weeks and sometimes months delayed. The point is, when you do the crime, you should do the time. And this says, basically, if you do the crime, you got all the time in the world to do anything you want to do. And to say that there's nobody committing crimes after they're out and no bail is incorrect, incomplete, and there's plenty on the record, which I don't have immediately to cite, but there's plenty on the record, otherwise I wouldn't be so against this bill. For those reasons, Mr. Speaker, this is a get out of jail free. It's, what do they call it, soft on crime and it's not good policy for the State of Hawaii and for our constituents. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1567, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PRETRIAL REFORM," passed Second Reading and was referred to the Committee on Finance, with Representative Okimoto voting aye with reservations, with Representative Ward voting no, and with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 214-22) recommending that H.B. No. 1690, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1690, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 215-22) recommending that H.B. No. 1692 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1692, entitled: "A BILL FOR AN ACT RELATING TO MOBILE ELECTRONIC DEVICES," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 216-22) recommending that H.B. No. 2077, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 2077, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Morikawa.

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

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

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

Representative Perruso 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 Todd rose and asked that the Clerk record an aye vote with reservations for him, 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 Committee was adopted and H.B. No. 2077, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES OF THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Kapela, Matayoshi, Matsumoto, McKelvey, Okimoto, Perruso, Todd, and Tokioka voting aye with reservations, and with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 217-22) recommending that H.B. No. 2078, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2078, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott being excused.

Representative Nakashima, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 218-22) recommending that H.B. No. 1777, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1777, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott being excused.

## ANNOUNCEMENTS

Representative Holt: "Thank you, Mr. Speaker. In honor of Mahina 'Ōlelo Hawaii, the Hawaiian Caucus will be hosting three talk story sessions with the Hawaiian Caucus on Aloha Friday starting today at 2:00 p.m. At 2:00 p.m. today we'll be having OHA and the Department of Hawaiian Home Lands to be giving brief presentations, followed by some questions and discussion with the members. I hope you guys can all join us. The Zoom link will be sent right now. Thank you very much."

Representative Kong: "Thank you, Mr. Speaker. Just a reminder, tomorrow, I guess everyone got the flier, but for the Tonga Relief Drive. So, if you could all participate, it would be very nice. Thank you very much."

## COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

| <u>H.B.</u><br><u>Nos.</u> | <u>Re-referred to:</u>                                                          |
|----------------------------|---------------------------------------------------------------------------------|
| 1525                       | Committee on Education, then to the Committee on Consumer Protection & Commerce |

2424, Committee on Health, Human Services, & Homelessness, then to  
HD1 the Committee on Finance

#### ADJOURNMENT

At 12:14 p.m., on motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the House of Representatives adjourned until noon Monday, February 14, 2022. (Representative McDermott was excused.)