

THIRTY-EIGHTH DAY

Monday, March 28, 2022

The House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022, convened at 12:02 p.m., with Speaker Saiki presiding.

The invocation was delivered by Representative Amy A. Perruso, after which the Roll was called showing all members present, with Representative Luke participating remotely via videoconference, and with the exception of Representative Lowen, who was excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 1101) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 1101, informing the House that on March 24, 2022, the following bill was signed into law:

H.B. No. 2500, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION." (ACT 001)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 544 through 547) were received and announced by the Clerk:

Sen. Com. No. 544, transmitting S.C.R. No. 46, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO CONDUCT A FEASIBILITY STUDY ON THE CREATION OF AN ENFORCEMENT DIVISION FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," which was adopted by the Senate on March 24, 2022.

Sen. Com. No. 545, transmitting S.C.R. No. 47, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, IN CONJUNCTION WITH THE COUNTY OF HAWAII DEPARTMENT OF WATER SUPPLY, TO PROVIDE A PROGRESS REPORT REGARDING THE DEVELOPMENT OF THE KA'U WATER SYSTEM ON HAWAIIAN HOME LANDS," which was adopted by the Senate on March 24, 2022.

Sen. Com. No. 546, transmitting S.C.R. No. 50, SD 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE WAIANAE MOKU KUPUNA COUNCIL AS AN ADVISORY RESOURCE TO THE ELECTED MEMBERS OF THE LEGISLATURE OF THE STATE OF HAWAII REPRESENTING THE WAIANAE MOKU COMMUNITY," which was adopted by the Senate on March 24, 2022.

Sen. Com. No. 547, transmitting H.B. No. 1456, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT IN THE SECOND DEGREE," which passed Third Reading in the Senate on March 24, 2022.

Representative Belatti moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Morikawa and carried: (Representative Lowen was excused.)

H.B. No. 1456, HD 1, (SD 1)

INTRODUCTIONS

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

Representative Tokioka introduced representatives from the ILWU, Hawaii Longshore Division: Brandon Wolff, Dave Chew, Niko Vitale, Lawrence Decosta, Collin Mansanas, Kale Ornellas, and Jon White.

Representative Perruso introduced her staff: Thora-Jean Cuaresma, Isis Usborne, and Tina Grandinetti; and her husband, John Mackey.

Representative Matsumoto introduced her staff, Brianna Mbog.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Tarnas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1459-22) recommending that H.R. No. 132 be referred to the Committee on Judiciary & Hawaiian Affairs.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.R. No. 132, entitled: "HOUSE RESOLUTION URGING THE FEDERAL GOVERNMENT TO DEVELOP A NATIONAL BIODIVERSITY STRATEGY," was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Lowen being excused.

Representative Tarnas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1460-22) recommending that H.C.R. No. 132 be referred to the Committee on Judiciary & Hawaiian Affairs.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO DEVELOP A NATIONAL BIODIVERSITY STRATEGY," was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Lowen being excused.

Representative Tarnas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1461-22) recommending that H.R. No. 100 be referred to the Committee on Judiciary & Hawaiian Affairs.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.R. No. 100, entitled: "HOUSE RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO RENAME THE RUSSIAN FORT ELISABETH STATE HISTORICAL PARK IN WAIMEA, KAUA'I, AS 'PA'ULA'ULA'," was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Lowen being excused.

Representative Tarnas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1462-22) recommending that H.C.R. No. 104 be referred to the Committee on Judiciary & Hawaiian Affairs.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO RENAME THE RUSSIAN FORT ELISABETH STATE HISTORICAL PARK IN WAIMEA, KAUA'I, AS 'PA'ULA'ULA'," was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Lowen being excused.

Representative Tarnas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1463-22) recommending that H.R. No. 176 be referred to the Committee on Judiciary & Hawaiian Affairs.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.R. No. 176, entitled: "HOUSE RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO APPOINT HARBOR AGENTS AS ENFORCEMENT OFFICERS FOR THE PURPOSES OF ENFORCING PARKING VIOLATIONS AT SMALL BOAT HARBORS IN THE STATE," was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Lowen being excused.

Representative Tarnas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1464-22) recommending that H.C.R. No. 176 be referred to the Committee on Judiciary & Hawaiian Affairs.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION

URGING THE BOARD OF LAND AND NATURAL RESOURCES TO APPOINT HARBOR AGENTS AS ENFORCEMENT OFFICERS FOR THE PURPOSES OF ENFORCING PARKING VIOLATIONS AT SMALL BOAT HARBORS IN THE STATE," was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Lowen being excused.

Representative Tamas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1465-22) recommending that H.R. No. 34 be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.R. No. 34, entitled: "HOUSE RESOLUTION REQUESTING THE STATE AND CITY AND COUNTY OF HONOLULU TO CONVENE A WORKING GROUP TO COLLABORATE ON MULTI-JURISDICTIONAL STREAM MAINTENANCE," was referred to the Committee on Consumer Protection & Commerce, with Representative Lowen being excused.

Representative Tamas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1466-22) recommending that H.C.R. No. 39 be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AND CITY AND COUNTY OF HONOLULU TO CONVENE A WORKING GROUP TO COLLABORATE ON MULTI-JURISDICTIONAL STREAM MAINTENANCE," was referred to the Committee on Consumer Protection & Commerce, with Representative Lowen being excused.

Representative Tamas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1467-22) recommending that H.R. No. 69 be referred to the Committee on Judiciary & Hawaiian Affairs.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.R. No. 69, entitled: "HOUSE RESOLUTION CONVENING A WORKING GROUP TO DETERMINE ANY CIRCUMSTANCES UNDER WHICH GOVERNMENT ENTITIES SHOULD BE REIMBURSED FOR SEARCH AND RESCUE SERVICES ON LAND FOR TRAIL USERS AND WHAT CONSTITUTES PROPER PUBLIC NOTICE OF A TRAIL USER'S ILLEGAL PRESENCE ON LAND FOR PURPOSES OF IMPOSING PENALTIES FOR VIOLATIONS OF LAW," was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Lowen being excused.

Representative Tamas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1468-22) recommending that H.C.R. No. 76 be referred to the Committee on Judiciary & Hawaiian Affairs.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A WORKING GROUP TO DETERMINE ANY CIRCUMSTANCES UNDER WHICH GOVERNMENT ENTITIES SHOULD BE REIMBURSED FOR SEARCH AND RESCUE SERVICES ON LAND FOR TRAIL USERS AND WHAT CONSTITUTES PROPER PUBLIC NOTICE OF A TRAIL USER'S ILLEGAL PRESENCE ON LAND FOR PURPOSES OF IMPOSING PENALTIES FOR VIOLATIONS OF LAW," was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Lowen being excused.

Representative Tamas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1469-22) recommending that H.R. No. 73 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.R. No. 73, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPLORE THE POSSIBILITY OF EXPANDING THE MOUNT KA'ALA NATURAL AREA RESERVE TO INCLUDE THE SLOPES OF

MOUNT KA'ALA, PARTICULARLY IN THE WAIALUA DIRECTION," was referred to the Committee on Finance, with Representative Lowen being excused.

Representative Tamas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 1470-22) recommending that H.C.R. No. 82 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.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPLORE THE POSSIBILITY OF EXPANDING THE MOUNT KA'ALA NATURAL AREA RESERVE TO INCLUDE THE SLOPES OF MOUNT KA'ALA, PARTICULARLY IN THE WAIALUA DIRECTION," was referred to the Committee on Finance, with Representative Lowen being excused.

Representatives Yamane and Lowen, for the Committee on Health, Human Services, & Homelessness and the Committee on Energy & Environmental Protection, presented two reports:

(Stand. Com. Rep. No. 1471-22) recommending that H.R. No. 2 be referred to the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 1472-22) recommending that H.C.R. No. 6 be referred to the Committee on Consumer Protection & Commerce.

Representative Belatti moved that the reports of the Committees be adopted, and that H.R. No. 2; and H.C.R. No. 6 be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Morikawa.

Representative McDermott rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I stand in strong support obviously and my comments can be related to both of these following two resolutions. I saw in the paper today that \$5 million was appropriated to the UH School of Engineering to continue work on fuel tank safety. What we do know is that prior to this, they were trying to develop a tank within a tank solution, which would take us up to about 2035 or something like that.

"This brings me back to pause, all these breadcrumbs are around telling us these things aren't getting shutdown anytime soon. There's no target date to close them down. That's why this thing is so important, to let them know of our intentions. There's no target date to close this, there's not even an estimated target date. At least Kennedy said, we're going to go to the moon by the end of the decade. But we don't have that.

"What we have is defueling. We finally got the money for defueling, which this addresses, but defueling is not a decommissioning, they are two distinctly different things. And I would encourage my colleagues to read the defueling order from the State Department of Health, which I have on several occasions. So, there's no start date, there's no finish date. That's why this resolution is important. And there's no money, Mr. Speaker, to shut it down. There is not even a dollar in this big federal budget that was just passed. A dollar, there's not even a dollar to plan, to plan on shutting them down.

"All we have is a statement from the secretary of defense on a memo. That's not a legal document. In order for this to close, we need the Congress to articulate in legislation, just like they do with the BRAC, that this facility will be closed by X amount of date, 2022 or 2023, and they work their way backwards to meet that target. That's the way they always do it. When they invaded Normandy, June 6, 1944, they didn't say, well, we'll figure it out at some point. They set a date and they worked their way back to accomplish that mission. And I believe they can accomplish the mission. What I don't believe is that it's going to close, and certainly not anytime soon. So, that's why these resolutions are so important, and the work of the body is so important. Thank you, sir."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 2, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES NAVY TO PREPARE A PLAN TO DECOMMISSION THE RED HILL BULK FUEL

STORAGE FACILITY, STORE ITS FUEL IN A MANNER COMPLIANT WITH STATE LAW, ESTABLISH A NEW WATER TREATMENT FACILITY, PAY FOR ALL COSTS TO THE STATE, AND COMPLY WITH ALL FUTURE REMEDIATION EFFORTS," was referred to the Committee on Consumer Protection & Commerce, with Representative Lowen being excused; and

H.C.R. No. 6, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES NAVY TO PREPARE A PLAN TO DECOMMISSION THE RED HILL BULK FUEL STORAGE FACILITY, STORE ITS FUEL IN A MANNER COMPLIANT WITH STATE LAW, ESTABLISH A NEW WATER TREATMENT FACILITY, PAY FOR ALL COSTS TO THE STATE, AND COMPLY WITH ALL FUTURE REMEDIATION EFFORTS," was referred to the Committee on Consumer Protection & Commerce, with Representative Lowen being excused.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R.

Nos. Referred to:

- | | |
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| 46,
SD1 | Committee on Judiciary & Hawaiian Affairs |
| 47,
SD1 | Committee on Judiciary & Hawaiian Affairs |
| 50,
SD1 | Committee on Culture, Arts, & International Affairs, then to the
Committee on Judiciary & Hawaiian Affairs |

COMMITTEE REASSIGNMENTS

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

H.R.

No. Re-referred to:

- | | |
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| 166 | Committee on Judiciary & Hawaiian Affairs |
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H.C.R.

No. Re-referred to:

- | | |
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| 166 | Committee on Judiciary & Hawaiian Affairs |
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S.B.

No. Re-referred to:

- | | |
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| 2824,
SD1,
HD1 | Committee on Education, then to the Committee on Finance |
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ADJOURNMENT

At 12:15 p.m., on motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the House of Representatives adjourned until noon tomorrow, Tuesday, March 29, 2022. (Representatives Lowen and Quinlan were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 28, 2022, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measure:

H.B. No. 1456, HD 1, SD 1