

## ELEVENTH DAY

Friday, February 3, 2023

The House of Representatives of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023, convened at 12:02 p.m., with Vice Speaker Ilagan presiding.

The invocation was delivered by Representative Cedric Asuega Gates, after which the Roll was called showing all members present with the exception of Representatives Amato and Nakashima, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Ninth and Tenth Days was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 4 and 5) were received and announced by the Clerk:

Sen. Com. No. 4, transmitting S.B. No. 19, entitled: "A BILL FOR AN ACT RELATING TO CAST BALLOTS," which passed Third Reading in the Senate on February 2, 2023.

Sen. Com. No. 5, transmitting S.B. No. 36, entitled: "A BILL FOR AN ACT RELATING TO THE INITIATION OF FELONY PROSECUTIONS," which passed Third Reading in the Senate on February 2, 2023.

On motion by Representative Morikawa, seconded by Representative Garcia and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Amato and Nakashima were excused.)

S.B. No. 19  
S.B. No. 36

## INTRODUCTIONS

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

Representative Tarnas introduced his staff attorneys, Sean Aronson and Adrian Reifsnnyder.

Representative Perruso introduced from SEEQS: teachers, Lucas Dembart and Cara Chaudron; and students, Alana K., Alia S., 'Aukai F., Binta S-M., Cael S., Graham T., Heleni K., Jase J., Kaila H., Layla B., Lily M., Lucy L., Mahina K., Mannix N., Mari Z., Nui A-C., Rashad O., Ray A., Rocket L., Ronan A-O., Serafino S., Suzie O., Tanner Y., Teagan B., Tyree T., and Isa P.

Representative Sayama introduced Dawn Stangle, 2002 national vice president, JCI USA; and Gina Maeda, 2022 state president, JCI Hawai'i.

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 23) recommending that H.B. No. 54, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 54, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Amato and Nakashima being excused.

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 24) recommending that H.B. No. 250, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Government Operations.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and

H.B. No. 250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FARM TO SCHOOL PROCUREMENT," passed Second Reading and was referred to the Committee on Labor & Government Operations, with Representatives Amato and Nakashima being excused.

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 25) recommending that H.B. No. 335, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Government Operations.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 335, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION PROCUREMENT," passed Second Reading and was referred to the Committee on Labor & Government Operations, with Representatives Amato and Nakashima being excused.

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 26) recommending that H.B. No. 556, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary & Hawaiian Affairs.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Judiciary & Hawaiian Affairs, with Representatives Amato and Nakashima being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 27) recommending that H.B. No. 42, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 42, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Amato and Nakashima being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 28) recommending that H.B. No. 383, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 383, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Amato and Nakashima being excused.

Representative Matayoshi, for the Committee on Labor & Government Operations, presented a report (Stand. Com. Rep. No. 29) recommending that H.B. No. 146, as amended in HD 1, pass Second Reading and be referred to the Committee on Water & Land.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 146, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed Second Reading and was referred to the Committee on Water & Land, with Representatives Amato and Nakashima being excused.

Representative Todd, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 30) recommending that H.B. No. 315, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary & Hawaiian Affairs.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 315, HD 1 pass Second Reading and be referred to the Committee on Judiciary & Hawaiian Affairs, seconded by Representative Morikawa.

Representative Pierick rose and asked that the Clerk record a no vote for him, 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. 315, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FLOODING," passed Second Reading and was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Pierick voting no, and with Representatives Amato and Nakashima being excused.

Representative Todd, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 31) recommending that H.B. No. 279, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary & Hawaiian Affairs.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 279, HD 1 pass Second Reading and be referred to the Committee on Judiciary & Hawaiian Affairs, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. I rise with reservations and a brief comment, please. Mr. Speaker, the State Constitution says the counties shall have the right to property taxes. We've breached that by giving them not only property taxes, we've given them TAT taxes, we've given them GET taxes, state storm drain taxes, solar farm exemptions from property taxes to a fee, and now we want to take GET taxes and give it to fixing the roads, which is going to cause a deficit over here, which I fear is going to create another increase in GET taxes, of which we're really straying from the Constitution.

"This is probably, it's a good cause because I know a lot of people here have electric cars and the gas tax is not being paid. But if we're going to have a county tax competing with the state, I think in the long run it's going to be detrimental. My point is now, using this is purposely meaningful, but in the long run it is going to be detrimental. Thank you, Mr. Speaker."

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

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

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

"Thank you, Mr. Speaker. I rise in support. When we're looking at bills such as this intent, where we have dilapidating roads in communities that never got the chance to turn over their roads to the city--"

Representative Garcia rose to a point of order, stating:

"Point of order, Mr. Speaker. If the gentleman could please address the Chair. Thank you."

Representative Kila continued stating:

"Okay. So, when we're looking at bills like this where we're addressing the county roads, in my community and communities throughout urban and rural Honolulu that are not getting the maintenance that's needed but they're traversed by the public constantly and always, I'm looking for ways that we can find ways to support these roads where they're having potholes awful wide and whatnot. Because honestly, when we are traversing these roads, these private roads owners that are subject to the use of these roads, that really is the intent to help out our local residents in the rural communities. So, I stand in strong support of this bill. Thank you."

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

"Thank you, Mr. Speaker. I'm in support. I just wanted to note that this does not create an additional tax, it simply provides the county flexibility in how to deploy that tax. And there are notable rural communities, like in my newly minted community, where first responders cannot respond in time due to the condition of some of these roads. So, this would allow the county that flexibility where necessary to look out for the public good. 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. 279, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Second Reading and was referred to the Committee on Judiciary & Hawaiian Affairs, with Representatives Alcos, Garcia, and Ward voting aye with reservations, and with Representatives Amato and Nakashima being excused.

Representative Todd, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 32) recommending that H.B. No. 415, as amended in HD 1, pass Second Reading and be referred to the Committee on Human Services.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 415, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPLEMENT THE RECOMMENDATIONS OF THE TASK FORCE ON MOBILITY MANAGEMENT, ESTABLISHED PURSUANT TO ACT 214, SESSION LAWS OF HAWAII 2013," passed Second Reading and was referred to the Committee on Human Services, with Representatives Amato and Nakashima being excused.

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 33) recommending that H.B. No. 329, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 329, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Morikawa.

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

"In opposition, brief comment. The average cost for a house here in Hawai'i is over \$1 million currently. And it's stuff like this that simply adds to that. And we're increasing the cost of housing, and for those reasons a no vote. Thank you."

Representative Pierick rose and asked that the Clerk record a no vote for him, 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 Marten rose to speak in support of the measure, stating:

"I stand in support. This bill would extend what is already law in Honolulu County to the rest of the state. And it's a very, very small investment during the construction process that can save homeowners thousands of dollars should they choose to install PV or EV charging in their home later, and allow people that are lower income to be part of those benefiting from our cheaper electricity that we get from renewable energy. Thank you, sir."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 329, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Ward voting aye with reservations, with Representatives Garcia and Pierick voting no, and with Representatives Amato and Nakashima being excused.

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 34) recommending that H.B. No. 670, as amended in HD 1, pass Second Reading and be referred to the Committee on Water & Land.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 670, HD 1 pass Second Reading and be referred to the Committee on Water & Land, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. No vote and a brief comment. I do appreciate the last committee and the chair's attempt to make this bill better. However, I do think that the bill still chips away at Native Hawaiian rights, and therefore, I am a no vote."

Representative Hussey-Burdick rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, reservations. I just want to also mention that I do appreciate the work that's been done on it in committee. And I'll just be on the lookout for what it looks like at third reading. 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. 670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Water & Land, with Representative Hussey-Burdick voting aye with reservations, with Representative Kapela voting no, and with Representatives Amato and Nakashima being excused.

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 35) recommending that H.B. No. 497, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 497, HD 1 pass Second Reading and be referred to the Committee on Education, seconded by Representative Morikawa.

Representative Pierick rose and asked that the Clerk record a no vote for him, 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. 497, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Education, with Representative Pierick voting no, and with Representatives Amato and Nakashima being excused.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 12) and concurrent resolution (H.C.R. No. 13) were referred to Printing and further action was deferred:

H.R. No. 12, entitled: "HOUSE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF CONGRESS," was offered by Representative Kong.

H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF CONGRESS," was offered by Representative Kong.

#### ANNOUNCEMENTS

Representative Ward: "As long as we can make requests during announcements, I would request that we heat up this building, which is freezing for some of us who don't have our jackets and ties on. And I think the energy and the cost to the environment are being registered by those who are listening and knowing what we're doing with a very, very cold chamber, to say the least. Thank you."

Representative Ganaden: "There is going to be an informational briefing from the National Conference of State Legislatures at 9 a.m. in Room 325 for those of us on the CMV and Judiciary Committees to discuss pretrial best practices. Monday, 9:00 a.m., bright and early."

#### COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1049	Jointly to the Committee on Education and the Committee on Economic Development, then to the Committee on Finance
1082	Committee on Health & Homelessness, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1219	Committee on Health & Homelessness, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1415	Committee on Energy & Environmental Protection, then to the Committee on Finance

#### ADJOURNMENT

At 12:16 p.m., on motion by Representative Morikawa, seconded by Representative Garcia and carried, the House of Representatives adjourned until noon, Monday, February 6, 2023. (Representatives Amato and Nakashima were excused.)