

SEVENTEENTH DAY

Monday, February 13, 2023

The House of Representatives of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023, convened at 12:04 p.m., with Vice Speaker Ilagan presiding.

The invocation was delivered by Vice Speaker Greggor Ilagan, after which the Roll was called showing all members present.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 8) was received and announced by the Clerk:

Sen. Com. No. 8, transmitting S.B. No. 731, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN INDEPENDENCE DAY," which passed Third Reading in the Senate on February 10, 2023.

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

S.B. No. 731

INTRODUCTIONS

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

Representative Ichiyama introduced students from the Hawai'i-Okinawa High School Student Exchange Program: Namika Miyagi, Jion Izuhara, Yohka Hoshino, Sumire Shinzato, Yurina Tokumoto, Bunya Akamine, Morihisa Ota, Miyuu Kanma, Shotatsu Nakanishi, Koharu Arakaki, Hina Sugama, Junji Yamamoto, Kanoha Miyakumi, Arisa Sakima, and Mai Shoeishi; Kaoru Sashida, deputy superintendent of Okinawa Prefectural Board of Education; Shinako Fukumura, English teacher's consultant; and Wakana Kamiyama, English teacher.

Representative Matsumoto introduced members of the National Hemophilia Foundation: Bill Robie, director of state government relations; Kyra Calbero, interim executive director, Hawai'i Chapter; Jennifer Chun, parent advocate, and her daughter Lehua; Ashley Pieklo, parent advocate, and her son River; and Mike Pieklo, board member, Hawai'i Chapter.

Vice Speaker Ilagan introduced his staff: Nikki Watts and Alexey Katko.

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

The House of Representatives reconvened at 12:23 p.m.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Hashem, for the Committee on Corrections, Military & Veterans, presented a report (Stand. Com. Rep. No. 292) recommending that H.B. No. 262, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 262, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education, with Representative Kapela being excused.

Representative Hashem, for the Committee on Corrections, Military & Veterans, presented a report (Stand. Com. Rep. No. 293) recommending that H.B. No. 1129, 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. 1129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

INCARCERATED WOMEN," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Hashem, for the Committee on Corrections, Military & Veterans, presented a report (Stand. Com. Rep. No. 294) recommending that H.B. No. 823, 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. 823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEATHS WITHIN THE CORRECTIONAL SYSTEM," passed Second Reading and was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Kapela being excused.

Representative Tam, for the Committee on Culture, Arts & International Affairs, presented a report (Stand. Com. Rep. No. 295) recommending that H.B. No. 110, 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. 110, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE PLATES," passed Second Reading and was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Kapela being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 296) recommending that H.B. No. 480, 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. 480, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 297) recommending that H.B. No. 582, 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. 582, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ABUSE OF MINORS," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 298) recommending that H.B. No. 864, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 864, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Morikawa.

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

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

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

"In strong support, Mr. Speaker. First off, the purpose of this bill is to establish and appropriate moneys for a four-year Pacific cultural court pilot program in the family court of the First Circuit, that's here on O'ahu.

"As testified before the Judiciary Committee, Judge Hall noted that, in Hawai'i, children of Hawaiian ancestry and other Pacific Island youth are overrepresented in the juvenile justice system. For the fiscal year 2022, statewide, Native Hawaiian and Pacific Island youths accounted for 48% of youths who were arrested, 49% of the youths who were referred to the

family court, 50% of the petitions filed in family court, and 63% of youths who were placed in our detention facility.

"Studies have shown that youth who are connected to their culture and community are more successful and less likely to become involved in the justice system. We envision a cultural court program that will connect at-risk youth to their community and their culture, and in turn reduce their involvement in the justice system.

"Mr. Speaker, there are similar programs currently happening in Navajo communities, in First Nation communities in Manitoba, and, most notably, in New Zealand, they call it the Rangatahi Court. They've essentially changed their entire juvenile justice system to be a partnership between the juvenile court system and various community groups.

"What we're trying to do is use best practices, the diversity of our community, and acknowledge that courts can often act as another source of trauma for children. That oftentimes when young people meet a judge, it's just a person in a black robe telling them that they're a bad person. We now know that excessive fines, court dates, and a probation officer don't replace a loving family, a connection between mistakes and growing up, or taking accountability. Mr. Speaker, this is our opportunity to have the justice system act as part of the village instead of an oppressive experience of trauma.

"We also have an opportunity to partner with numerous philanthropic organizations. The Kellogg Foundation has just given \$20 million to Partners in Care, the Hawai'i Youth Correctional Facility, and numerous other non-profits are looking forward to partnering with the Judiciary in reducing trauma to communities and to children, and to really, finally, having an effect on the overrepresentation of Pacific Islander and Hawaiian kids in our justice system. Thank you so much."

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

"In strong support, Mr. Speaker. Please enter the words of the previous speaker into the Journal as my own. Thank you," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 864, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL JUSTICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Garcia and Pierick voting aye with reservations, and with Representative Kapela being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 299) recommending that H.B. No. 862, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 862, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Garcia 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. 862, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representative Garcia voting no, and with Representative Kapela being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 300) recommending that H.B. No. 586, 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. 586, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 301) recommending that H.B. No. 1328, 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. 1328, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 302) recommending that H.B. No. 1048, 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. 1048, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 303) recommending that H.B. No. 1223, 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. 1223, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LOANS," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 304) recommending that H.B. No. 1046, 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. 1046, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL HEALTH SERVICES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Kapela being excused.

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 305) recommending that H.B. No. 1331, 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. 1331, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 306) recommending that H.B. No. 179, 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. 179, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Morikawa.

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

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. 179, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER MATERIALS," passed Second Reading and was referred to the Committee

on Consumer Protection & Commerce, with Representatives Garcia and Pierick voting no, and with Representative Kapela being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 307) recommending that H.B. No. 767, 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. 767, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 308) recommending that H.B. No. 347, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 347, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Garcia 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. 347, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLE CHARGING SYSTEMS," passed Second Reading and was referred to the Committee on Finance, with Representative Garcia voting no, and with Representative Kapela being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 309) recommending that H.B. No. 419, 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. 419, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL PHOTOVOLTAIC ENERGY GENERATING SYSTEMS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Kapela being excused.

Representative Matayoshi, for the Committee on Labor & Government Operations, presented a report (Stand. Com. Rep. No. 310) recommending that H.B. No. 163, 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. 163, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Matayoshi, for the Committee on Labor & Government Operations, presented a report (Stand. Com. Rep. No. 311) recommending that H.B. No. 302, 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. 302, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Matayoshi, for the Committee on Labor & Government Operations, presented a report (Stand. Com. Rep. No. 312) recommending that H.B. No. 333, 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. 333, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE COMPENSATION," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Matayoshi, for the Committee on Labor & Government Operations, presented a report (Stand. Com. Rep. No. 313) recommending that H.B. No. 334, 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. 334, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER-UNION HEALTH BENEFITS TRUST FUND CONTRIBUTIONS," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Matayoshi, for the Committee on Labor & Government Operations, presented a report (Stand. Com. Rep. No. 314) recommending that H.B. No. 542, 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. 542, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Kapela being excused.

Representative Matayoshi, for the Committee on Labor & Government Operations, presented a report (Stand. Com. Rep. No. 315) recommending that H.B. No. 564, 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. 564, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Kapela being excused.

Representative Matayoshi, for the Committee on Labor & Government Operations, presented a report (Stand. Com. Rep. No. 316) recommending that H.B. No. 572, 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. 572, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULEMAKING," passed Second Reading and was referred to the Committee on Judiciary & Hawaiian Affairs, with Representative Kapela being excused.

SUSPENSION OF RULES

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

THIRD READING

H.B. No. 129:

Representative Nakamura moved that H.B. No. 129 pass Third Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. I rise in support of this bill and the following bills that are up for third reading. I am letting the members know that these six bills are part of our overall effort in the State House here to improve our elections laws and our ethics laws to help to improve public trust in our institution. House Bill 129 is specifically a recommendation from the Office

of Elections to make more clear the requirements for doing recounts and also to align the timing of it so that it matches with the filing deadline for complaints for contest of cause. So, I urge members to support this. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 129, entitled: "A BILL FOR AN ACT RELATING TO RECOUNTS," passed Third Reading by a vote of 48 ayes, with Representative Kapela being excused.

H.B. No. 138:

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, H.B. No. 138, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY LOBBYIST TRAINING," passed Third Reading by a vote of 48 ayes, with Representative Kapela being excused.

H.B. No. 140:

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, H.B. No. 140, entitled: "A BILL FOR AN ACT RELATING TO RECORD DISPOSITION," passed Third Reading by a vote of 48 ayes, with Representative Kapela being excused.

H.B. No. 142:

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, H.B. No. 142, entitled: "A BILL FOR AN ACT RELATING TO GIFTS FROM LOBBYISTS," passed Third Reading by a vote of 48 ayes, with Representative Kapela being excused.

H.B. No. 137, HD 1:

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, H.B. No. 137, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYISTS," passed Third Reading by a vote of 48 ayes, with Representative Kapela being excused.

H.B. No. 130, HD 1:

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, H.B. No. 130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VALIDATION OF BALLOTS," passed Third Reading by a vote of 43 ayes to 5 noes, with Representatives Alcos, Garcia, Matsumoto, Pierick, and Ward voting no, and with Representative Kapela being excused.

At 12:31 p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 129
H.B. No. 138
H.B. No. 140
H.B. No. 142
H.B. No. 137, HD 1
H.B. No. 130, HD 1

ADJOURNMENT

At 12:32 p.m., on motion by Representative Morikawa, seconded by Representative Garcia and carried, the House of Representatives adjourned until noon tomorrow, Tuesday, February 14, 2023. (Representative Kapela was excused.)