

TWENTY-THIRD DAY

Wednesday, February 22, 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 Speaker Saiki presiding.

The invocation was delivered by Representative Sam Satoru Kong, after which the Roll was called showing all members present with the exception of Representative Tam, who was excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 22 through 25) were received and announced by the Clerk:

Sen. Com. No. 22, transmitting S.B. No. 295, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD WELFARE SERVICES," which passed Third Reading in the Senate on February 21, 2023.

Sen. Com. No. 23, transmitting S.B. No. 531, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on February 21, 2023.

Sen. Com. No. 24, transmitting S.B. No. 547, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS," which passed Third Reading in the Senate on February 21, 2023.

Sen. Com. No. 25, transmitting S.B. No. 809, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on February 21, 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: (Representative Tam was excused.)

S.B. No. 295, SD 2
S.B. No. 531, SD 2
S.B. No. 547, SD 1
S.B. No. 809, SD 2

INTRODUCTIONS

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

Representative Quinlan recognized the polar bear in the gallery.

Representative Marten introduced Qanuk Nanuk, polar bear, and Kathleen Doyle, Qanuk's creator from Scotland, who are traveling the globe to raise awareness of climate change.

Representative Martinez introduced Pastor Peter Magno from Ontario, California; Wilfred Chang and Mathew Yamamoto, ILWU International; and Susan Quinabo, president, ILWU 1000.

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

The House of Representatives reconvened at 12:35 p.m.

ORDER OF THE DAY

UNFINISHED BUSINESS

H.R. No. 16:

Representative Nakamura moved that H.R. No. 16 be adopted, seconded by Representative Morikawa.

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

"Mr. Speaker, I rise in support but with reservations and I have a brief comment. This is not new to some of us who sit on this side of the aisle, but it's maybe new to some others. I think the rules have been really updated

and they're very well taken. Except there's one that is conspicuous in its absence, and that's the decision making.

"I was going to start off my floor speech by saying, hey, I can kill a bill anytime I want to. That's a famous quote for someone who is now incarcerated. The point is, we have not changed that methodology of decision making. When a bill is voted down, everybody is silent. Because of that, Mr. Speaker, we can vote a bill up, but when it's deferred, the chair reigns superior. And that's why I say, when the quote is, hey, I can kill a bill anytime I want. That doesn't pass the smell test.

"Everything else in there is good except that one needs to be reworked and recommitted. Because decision making is a democratic process in a democratic body such as this. Thank you for listening."

The motion was put to vote by the Chair and carried, and H.R. No. 16, entitled: "HOUSE RESOLUTION ADOPTING THE RULES OF THE HOUSE OF REPRESENTATIVES OF THE THIRTY-SECOND LEGISLATURE, INCLUDING THE OPERATING PROCEDURES FOR THE SELECT COMMITTEE ON STANDARDS OF CONDUCT," was adopted with Representative Ward voting aye with reservations, and with Representative Tam being excused.

H.R. No. 17:

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, H.R. No. 17, entitled: "HOUSE RESOLUTION ADOPTING THE HOUSE ADMINISTRATIVE AND FINANCIAL MANUAL OF THE HOUSE OF REPRESENTATIVES OF THE THIRTY-SECOND LEGISLATURE," was adopted, with Representative Tam being excused.

REPORTS OF STANDING COMMITTEES

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 785) recommending that H.B. No. 463 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 463, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Tam being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 786) recommending that H.B. No. 1058, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1058, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Tam being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 787) recommending that H.B. No. 1039, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1039, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACT 278, SESSION LAWS OF HAWAII 2022," passed Second Reading and was placed on the calendar for Third Reading, with Representative Tam being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 788) recommending that H.B. No. 981, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 981, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Morikawa.

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

"No, please, with a brief comment. I'd like to share with the body the Second Amendment which reads, 'a well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.' I'd like to read the caption of this bill, 'authorizes a fingerprint-based criminal history record check by the county police departments of applicants for licenses to sell, offer to sell, distribute, or otherwise transfer electric guns or cartridges.'

"So, from my understanding, now we're going to implement background checks for weapons, electric guns, tasers. I don't believe that the Fourth Amendment had in mind a background check. Keep in mind the colonial people, they were wanting to prevent suppression by England. And so, they thought to themselves, we need to make sure we're allowed to bear arms to keep against this.

"Well, if the person in power, if the group in power so chooses we should not allow the sale of a gun because we determined the background check should not go through, a quick phone call from the governor to the police department, *et cetera*, that to me sounds like a loophole in the Second Amendment. So, for those reasons, I vote no."

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

"Thank you, Mr. Speaker. No vote for me. I think the majority of the reason why I'm voting no, in addition to the Second Amendment, is that the Honolulu Police Department provided testimony in opposition. Thank you."

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

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

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

"Thank you, Mr. Speaker. In support. This measure requires those who sell electric guns to go through those checks, not the people who buy. So, I want to make sure the members understand what the purpose of this is. And this is, I think, a standard approach that I think ensures that those who are sellers of electric guns meet certain standards. I urge the members to support this. Thank you."

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

"Mr. Speaker, no vote. Can I adopt the words from the representative from Kohala into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Gates rose and asked that the Clerk record an aye vote with reservations 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. 981, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Gates and Matsumoto voting aye with reservations, with Representatives Alcos, Garcia, Kila, Kong, Pierick, Souza, and Ward voting no, and with Representative Tam being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 789) recommending that

H.B. No. 792, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Nakamura, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 792, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Tam being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 790) recommending that H.B. No. 426, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Nakamura moved that the report of the Committee be adopted, and that H.B. No. 426, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Morikawa.

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

"No, please. And I'm also voting no based on the Second Amendment again for this one."

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

Representative Souza rose and asked that the Clerk record a no vote 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 Garcia 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 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 426, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Matsumoto voting aye with reservations, with Representatives Garcia, Kong, Pierick, Quinlan, Souza, and Ward voting no, and with Representative Tam 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 a certain House Bill for Third Reading by consent calendar. (Representative Tam was excused.)

REPORTS OF STANDING COMMITTEES

Representative Woodson, for the Committee on Education, presented a report (Stand. Com. Rep. No. 791) recommending that H.B. No. 262, HD 1 pass Third Reading.

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 Third Reading by a vote of 50 ayes, with Representative Tam being excused.

At 12:42 p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 262, HD 1

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 792) recommending that H.B. No. 739, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 792 on H.B. No. 739, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, printed copies of H.B. No. 739, HD 2, were made available to the Members of the House.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 793) recommending that H.B. No. 781, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 793 on H.B. No. 781, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, printed copies of H.B. No. 781, HD 2, were made available to the Members of the House.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 794) recommending that H.B. No. 340, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 794 on H.B. No. 340, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawai‘i, printed copies of H.B. No. 340, HD 2, were made available to the Members of the House.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 19) and concurrent resolution (H.C.R. No. 16) were referred to Printing and further action was deferred:

H.R. No. 19, entitled: "HOUSE RESOLUTION PROCLAIMING FEBRUARY 24, 2023 AS "REMEMBER UKRAINE DAY IN HAWAII.", was jointly offered by Representatives Mizuno, Garrett, Hashimoto, Lamosao, Marten, Morikawa, Onishi, Takayama, Tam, and Amato.

H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING FEBRUARY 24, 2023 AS "REMEMBER UKRAINE DAY IN HAWAII.", was jointly offered by Representatives Mizuno, Garrett, Hashimoto, Lamosao, Marten, Morikawa, Onishi, Takayama, Tam, and Amato.

ANNOUNCEMENTS

Representative Matayoshi: "I just wanted to remind everyone, my office is hosting a blood drive at the Capitol at the end of session, May 3rd, 9:00 a.m. to 3:00 p.m. It's meant to be only for people working in the building. We need at least 40 pints to make this blood drive successful and I see 51 sitting here on the floor. So, the email should be coming out on Friday. Please encourage your staff to also participate. Thank you."

Representative Pierick: "The representative from Aiea and I are co-hosting a fellowship luncheon this afternoon in Room 423, immediately after this session. Everyone is invited."

Representative Ganaden: "Mr. Speaker, on April 14th, it's going to be Art at the Capitol day, actually Art at the Capitol evening. We have the participation of the Hawai‘i International Film Festival, Ballet Hawai‘i, hundreds of artists, and dozens of organizations from across the state. We hope that you can participate. In anticipation of that, myself and other members of the Honolulu Printmakers will be teaching an arts workshop for legislators on March 8th, 1:00 p.m. to 2:30 p.m. in Conference Room 329. We hope you can join us in fellowship and making things. Thanks."

Representative Marten: "Just a reminder to come up and meet Qanuk after session. Thank you."

ADJOURNMENT

At 12:44 p.m., on motion by Representative Morikawa, seconded by Representative Garcia and carried, the House of Representatives adjourned until noon Thursday, March 2, 2023. (Representative Tam was excused.)