

## ELEVENTH DAY

**Friday, February 4, 2022**

The House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022, convened at 12:04 p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Representative Mark J. Hashem, after which the Roll was called showing all members present, with Representatives Gates, Har, Ichiyama, D. Kobayashi, Matayoshi, Tokioka, and Wildberger participating remotely via videoconference, and with the exception of Representatives LoPresti and Perruso, 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.

## DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 184 through 191) were received by the Clerk and were placed on file:

Dept. Com. No. 184, from Hawaii State Public Library System, dated October 8, 2021, transmitting its Annual Report for fiscal year ending June 30, 2021, pursuant to Sections 312-3.6 and 312-22, HRS.

Dept. Com. No. 185, from the Office of the County Clerk for the County of Maui, dated November 9, 2021, transmitting Resolution No. 21-166, which was adopted by the Council of the County of Maui on November 5, 2021.

Dept. Com. No. 186, from the Office of the County Clerk for the County of Hawaii, dated November 12, 2021, transmitting Resolution No. 241-21, which was adopted by the Hawaii County Council on November 3, 2021.

Dept. Com. No. 187, from the Office of the City Clerk for the City and County of Honolulu, dated December 21, 2021, transmitting Resolution No. 21-276, FD 1, which was adopted by the Council of the City and County of Honolulu on December 15, 2021.

Dept. Com. No. 188, from the Hawaii Retirement Savings Task Force, dated December 22, 2021, transmitting the report, Retirement Security in Hawaii: Findings and Recommendations of the Hawaii Retirement Savings Task Force, pursuant to S.R. No. 76, SD 1 (2021).

Dept. Com. No. 189, from the Hawaii County Police Department, dated January 3, 2022, transmitting the report on electric guns and their use, pursuant to Section 134-16(d), HRS.

Dept. Com. No. 190, from the City and County of Honolulu Department of Transportation Services, dated January 24, 2022, transmitting the Report of the Task Force on North Road Management, pursuant to Honolulu City Council Resolution No. 21-134.

Dept. Com. No. 191, from the Honolulu Police Department, dated January 31, 2022, transmitting its 2021 Annual Report, pursuant to Section 52D-3.5, HRS.

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

Representative Tamas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 4-22) recommending that H.B. No. 1668, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1668, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOIL CLASSIFICATIONS," passed Second Reading and was referred to the Committee on Agriculture, with Representatives LoPresti and Perruso being excused.

Representative Tamas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 5-22) recommending that H.B. No. 1840, as

amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1840, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Morikawa.

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

At 12:08 p.m., Representative Ward requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:09 p.m.

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

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

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

Representative Wildberger rose and asked that the Clerk record a no vote 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. 1840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT BOUNDARY AMENDMENTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Lowen voting aye with reservations, with Representatives Kapela, McKelvey, Quinlan, and Wildberger voting no, and with Representatives LoPresti and Perruso being excused.

Representative Tamas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 6-22) recommending that H.B. No. 1900, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1900, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Morikawa.

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

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

"With reservations, Mr. Speaker, and hope the next committee can look at the expansiveness of this measure if they choose to hear it. Thank you."

Representative Tokioka 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. 1900, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives McKelvey and Tokioka voting aye with reservations, with Representative Okimoto voting no, and with Representatives LoPresti and Perruso being excused.

Representative Ichiyama, for the Committee on Pandemic & Disaster Preparedness, presented a report (Stand. Com. Rep. No. 7-22) recommending that H.B. No. 1415, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education & Technology.

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

H.B. No. 1415, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THREAT ASSESSMENT," passed Second Reading and was referred to the Committee on Higher Education & Technology, with Representatives LoPresti and Perruso being excused.

Representative Ichiyama, for the Committee on Pandemic & Disaster Preparedness, presented a report (Stand. Com. Rep. No. 8-22) recommending that H.B. No. 1571, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary & Hawaiian Affairs.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1571, 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 opposition to the measure, stating:

"Thank you, Mr. Speaker. I have a no with reservations. I know that doesn't fit, but I want to explain why. First of all, we don't want to promote fraud in COVID-19 vaccinations. But at the same time, there's some flaws in this in that, firstly, it says, and I think unjustifiably puts churches in there. Admittedly, there are some anti-vaccine churches, but that doesn't mean they're fraudulent. So, putting the church and the state together in this bill, I think it's a little bit itchy, sketchy, and unfounded.

"The other thing, Mr. Speaker, is this bill really enforceable? This is telling the AG, get your COVID card police out there and go enforce this, and if it's millions of dollars, so be it. Is this enforceable and do we have the money to do that? That's the second point. Third point is, how, if there is a police, can we say that we want to target the 25% who's not vaccinated? Right now, we've got 75% of all the people of Hawaii are vaccinated. That's pretty high. Do we want to say, you 25%, you're the reason for this? And I know you can buy a false COVID test for \$25, evidently. But how many people are doing that? Do we have the metrics to say that this bill is needed? Otherwise, I think it's going to do more harm than good.

"For those reasons, Mr. Speaker, I think this is a bill that needs a lot more discussion, a lot more kind of aiming a little bit clearer than this broad putting the churches and anybody who doesn't believe any of the issues that scientific evidence points to, whether it be some of the studies that just came out of John Hopkins that says, hey guys, the lockdowns have hurt more than they've helped. Months ago, you could be censored for saying that, you could be taken off Twitter, you could be taken off of YouTube. And now it's the truth, and John Hopkins is not a fly-by-night organization.

"The point is, we've had the moving goalposts. We've had science that says water is H<sub>2</sub>O in Honolulu, but hey, look, if you're in Israel, it's H<sub>3</sub>O, and if you're in Washington, D.C., water is H<sub>5</sub>O. This science has not been good for us as policymakers. And to put this into a bill and say, look, you guys, you're a bunch of phonies, we're going to put you in jail or we're going to get the AG police to come and get you, is not good policy, Mr. Speaker. Let's ride out this wave. We don't need to put this in legislation. And for those reasons, I'm very much against this bill. Thank you."

The Chair addressed Representative Ward, stating:

"Thank you, Representative Ward, can I ask you, was that a WR or a no vote?"

Representative Ward: "No with a WR."

Representative Okimoto 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1571, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COVID-19 VACCINATION STATUS," passed Second Reading and was referred to the Committee on Judiciary & Hawaiian Affairs, with Representatives Matsumoto and Okimoto voting aye with reservations, with Representative Ward voting no, and with Representatives LoPresti and Perruso being excused.

Representative Ichiyama, for the Committee on Pandemic & Disaster Preparedness, presented a report (Stand. Com. Rep. No. 9-22) recommending that H.B. No. 1736, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1736, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education, with Representatives LoPresti and Perruso being excused.

Representative Ichiyama, for the Committee on Pandemic & Disaster Preparedness, presented a report (Stand. Com. Rep. No. 10-22) recommending that H.B. No. 1834, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1834, HD 1 pass Second Reading and be referred to the Committee on Education, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. This is clearly a with reservations, primarily for two reasons. One is, it's well-intended. We have the ALICE study that says, hey, 40% of our people are one check away from basically going to the poorhouse. The poor need money, no question. My difficulty is in the second reason here, is that there's no nexus between education or student performance and the money. It just says if you're poor and you've got a kid in school, doesn't say your grade point average or some incentivization, if you will, that tells the kid, hey, your family is going to get a thousand bucks if you can get at least a 2.0 or a 2.5. And we know there's an inverse correlation between prosperity and academic achievement.

"So, Mr. Speaker, I'd like to see this bill tightened up a bit to where there's a nexus between giving the family money and the reason why it's being done, and it's called the DOE. Unless this is a slush fund the DOE has got too much money for, they're kind of bumping over into the Department of Human Services, and I'd like to see it encourage academic performance rather than just cash a check and forget about school. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1834, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education, with Representative Ward voting aye with reservations, and with Representatives LoPresti and Perruso being excused.

Representative Tarnas, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 11-22) recommending that H.B. No. 511, as amended in HD 1, pass Second Reading and 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.B. No. 511, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary & Hawaiian Affairs, with Representatives LoPresti and Perruso being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 12-22) recommending that H.B. No. 1522, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1522, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Morikawa.

Representative McDermott 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 Okimoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Clark 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. 1522, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLIMATE MITIGATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Clark voting aye with reservations, with Representatives Kong, McDermott, and Okimoto voting no, and with Representatives LoPresti and Perruso being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 13-22) recommending that H.B. No. 1805, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1805, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, 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 Tokioka 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. 1805, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Okimoto voting aye with reservations, with Representative Tokioka voting no, and with Representatives LoPresti and Perruso being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 14-22) recommending that H.B. No. 1807, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1807, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1807, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INTERCONNECTION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Okimoto voting aye with reservations, and with Representatives LoPresti and Perruso being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 15-22) recommending that H.B. No. 1800, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1800, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Morikawa.

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

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

"Thank you, Mr. Speaker. In opposition, quick comment. If you were to Google this, the carbon dioxide in the air is .042%, but I'll use Blue Planet's numbers, they say it's 412 parts per million, which is .0412%. So that's a carbon reading of .000412. According to Blue Planet, 50 years ago it was

.000362. So, the difference from 50 years ago to today in the carbon reading is literally .00005. That is what carbon is in the atmosphere. So, we have to really take a good look at what we're doing scientifically. Just look at the numbers. And of course, when you graph this, it seems like it's such a huge difference, but it really is not. So, I just want you to know, Mr. Speaker, that this is what the truth is. Thank you, Mr. Speaker."

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

"Thank you, in support. I just wanted to point out that the numbers used by the prior speaker would still amount to over a 15% increase, and that the dosage makes the poison. Thank you."

Representative Okimoto rose and asked that the Clerk record a no vote 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. 1800, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLIMATE MITIGATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Kong, McDermott, and Okimoto voting no, and with Representatives LoPresti and Perruso being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 16-22) recommending that H.B. No. 1595, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1595, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Morikawa.

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, 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 Clark 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. 1595, 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 Representatives Clark, Okimoto, and Tokioka voting aye with reservations, and with Representatives LoPresti and Perruso being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 17-22) recommending that H.B. No. 1808, 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. 1808, 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 Clark 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. 1808, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ROYALTIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Clark and Kapela voting aye with reservations, and with Representatives LoPresti and Perruso being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 18-22) recommending that H.B. No. 1524 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1524 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Morikawa.

Representative McDermott 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. 1524, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative McDermott voting no, and with Representatives LoPresti and Perruso being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 19-22) recommending that H.B. No. 1801, 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. 1801, 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 Tokioka 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. 1801, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," passed Second Reading and was referred to the Committee on Finance, with Representatives Okimoto and Tokioka voting aye with reservations, and with Representatives LoPresti and Perruso being excused.

Representative Lowen, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 20-22) recommending that H.B. No. 1806, 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. 1806, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOL CONVERSION," passed Second Reading and was referred to the Committee on Finance, with Representatives LoPresti and Perruso being excused.

#### ANNOUNCEMENTS

Representative McDermott: "Mr. Speaker, inform the body, I will be absent next week, my wife and I are going to watch my son graduate Marine Corps boot camp, so I will not be here. Thank you."

#### COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

##### H.R.

##### Nos.    Referred to:

- |   |  |
|---|--|
| 5 | Committee on Corrections, Military, & Veterans, then to the Committee on Judiciary & Hawaiian Affairs        |
| 6 | Committee on Health, Human Services, & Homelessness, then to the Committee on Consumer Protection & Commerce |

##### H.C.R.

##### Nos.    Referred to:

- |   |   |
|---|---|
| 7 | Committee on Education, then to the Committee on Judiciary & Hawaiian Affairs                         |
| 8 | Committee on Corrections, Military, & Veterans, then to the Committee on Judiciary & Hawaiian Affairs |

- |   |  |
|---|--|
| 9 | Committee on Health, Human Services, & Homelessness, then to the Committee on Consumer Protection & Commerce |
|---|--|

#### COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

##### H.B.

##### No.    Re-referred to:

- |      |  |
|------|--|
| 2502 | Committee on Consumer Protection & Commerce, then to the Committee on Judiciary & Hawaiian Affairs |
|------|--|

#### ADJOURNMENT

At 12:25 p.m., on motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the House of Representatives adjourned until noon Monday, February 7, 2022. (Representatives LoPresti, McKelvey, Ohno, Perruso, and Tokioka were excused.)