

THIRTY-FOURTH DAY

Monday, March 20, 2023

The House of Representatives of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023, convened at 12:06 p.m., with Speaker Saiki presiding.

The invocation was delivered by Representative Scott Y. Nishimoto, after which the Roll was called showing all members present with the exception of Representatives Cochran, Gates, and Lowen, who were excused.

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

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 219) was announced by the Clerk and the following action taken:

H.R. No. 219, entitled: "HOUSE RESOLUTION RECOGNIZING THE LIFELONG CONTRIBUTIONS OF PATRICIA SAIKI AND COMMENDING HER OUTSTANDING PUBLIC SERVICE," was offered by Representative Garcia.

Representative Garcia moved that H.R. No. 219 be adopted, seconded by Representative Matsumoto.

Representative Garcia honored Congresswoman Saiki for her many contributions to the State of Hawai'i; shared her many accomplishments, including working as a teacher's union organizer; recognized her as instrumental in stopping the U.S.'s bombing of Kaho'olawe; commended her strong advocacy for women's rights, forever changing the lives of women in Hawai'i and throughout the U.S.; and congratulated and introduced honorees who were seated on the Floor of the House:

Congresswoman Patricia Saiki; and
Mele Songsong.

Representative Ward thanked Congresswoman Saiki, his hero and role model, for her inspiration to never give up.

Representative Kobayashi honored Congresswoman Saiki, his former colleague in the State Senate, recognized her contributions to the community as a teacher and her help in creating Kapiolani Community College.

Representative Ichiyama acknowledged Congresswoman Saiki for everything she has done to open doors for women in politics; recognized the 51st anniversary of the Equal Rights Amendment; and thanked her for all she has done for women and families in Hawai'i.

Representative Yamashita thanked Congresswoman Saiki for her work and recognized that her husband brought him into this world as his mother's gynecologist.

Representative Matsumoto recognized Congresswoman Saiki as an inspiration and thanked her for all her work.

The motion was put to vote by the Chair and carried, and H.R. No. 219 was adopted, with Representatives Cochran, Gates, and Lowen being excused.

The following resolution (H.R. No. 220) was announced by the Clerk and the following action taken:

H.R. No. 220, entitled: "HOUSE RESOLUTION COMMENDING AND HONORING CARISSA KAINANI MOORE FOR HER OUTSTANDING CONTRIBUTIONS TO THE SPORT OF SURFING AND STATE OF HAWAII," was offered by Representative Sayama.

Representative Sayama moved that H.R. No. 220 be adopted, seconded by Representative Marten.

Representative Sayama recognized Ms. Carissa Moore for her outstanding contributions to Hawai'i through surfing; congratulated her as the youngest champion to win a triple crown at the age of 16, continuing on to win many other championships and becoming the first woman to win the gold medal in surfing at the 2020 Tokyo Olympics; commended her as an inspiration and role model to women surfers through her Moore Aloha Foundation, whose mission is to use surfing as a platform to empower young women and instill in them the spirit of *aloha*, encouraging them to be fearless; and congratulated and introduced honorees who were seated on the Floor of the House:

Carissa Kainani Moore;
David Yamada, her stepfather;
Carol Lum, her mother; and
Keith Amemiya, who was seated in the gallery.

Representative Ward shared how proud the State of Hawai'i is of Carissa.

Representative Quinlan recognized Carissa as a hero to the community.

Representative Matsumoto congratulated Ms. Moore and recognized her as an inspiration.

Representative Lamosao thanked Carissa for being a beacon of light and inspiration for many young women.

The motion was put to vote by the Chair and carried, and H.R. No. 220 was adopted, with Representatives Cochran, Gates, and Lowen being excused.

At 12:26 p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:51 p.m.

REPORTS OF STANDING COMMITTEES

Representative Hashem, for the Committee on Corrections, Military & Veterans, presented a report (Stand. Com. Rep. No. 1328) recommending that S.B. No. 710, SD 2, 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 S.B. No. 710, SD 2, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Morikawa.

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

"In strong support. Mr. Speaker, this bill expands a very successful program which allows women at Windward Community College to work with incarcerated women to get their GEDs. Myself, the representative from District 31, the PSD director, and several judges attended a graduation celebration just a few months ago. And I've been to numerous graduations, but none were quite as joyous as this. It was quite impressive to see the female prisoners see themselves not only as scholars, but as leaders within their own communities. We are seeing, with the advocacy from the Women's Prison Project as well as other organizations, what best practices looks like, and we hope that in future years this can be applied to the men as well."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 710, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCARCERATED WOMEN," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

Representative Hashem, for the Committee on Corrections, Military & Veterans, presented a report (Stand. Com. Rep. No. 1329) recommending that S.B. No. 711, SD 2, 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 S.B. No. 711, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENDER PARITY IN PROGRAMS FOR INCARCERATED

WOMEN," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

Representative Hashem, for the Committee on Corrections, Military & Veterans, presented a report (Stand. Com. Rep. No. 1330) recommending that S.B. No. 712, SD 2, 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 S.B. No. 712, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

Representative Hashem, for the Committee on Corrections, Military & Veterans, presented a report (Stand. Com. Rep. No. 1331) recommending that S.B. No. 1163, SD 1, 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 S.B. No. 1163, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1332) recommending that S.B. No. 16, 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 S.B. No. 16, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AS AN OFFICIAL LANGUAGE OF THE STATE OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1333) recommending that S.B. No. 1074, SD 2, 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 S.B. No. 1074, SD 2, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII TO AMEND THE MANNER IN WHICH JUSTICES AND JUDGES ARE APPOINTED, CONSENTED TO, AND RETAINED," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1334) recommending that S.B. No. 917, SD 3, 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 S.B. No. 917, SD 3, 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."

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

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

"Thank you, Mr. Speaker. No vote, brief comment. This bill competes with the Citizens decision of the U.S. Supreme Court, if not competing with it, overturns it basically. My concern is that we're playing at the state level with the First Amendment, the most sacred of all, the freedom of speech amendment or the amendment of the freedom of speech.

"I'm not sure that we have all the legal and jurisprudence behind all of this. According to our discussion in the caucus, the AG didn't even show up to say anything about this. Can a state constitution overrule a U.S. Supreme Court? Maybe some lawyers on the floor here will give insight into that. But I don't believe that the states have that right. And look, I'm not for the United decision, I think there's too much money in politics. But this way of going about it, I'm not convinced is the way. So, let's see as it plays out. But for now, I am a no. Thank you, Mr. Speaker."

Representative Alcos rose and asked that the Clerk record an aye vote with reservations 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 917, SD 3, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION REGARDING THE FREEDOM OF SPEECH," passed Second Reading and was referred to the Committee on Finance, with Representatives Alcos and Matsumoto voting aye with reservations, with Representatives Garcia, Pierick, and Ward voting no, and with Representatives Cochran, Gates, and Lowen being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1335) recommending that S.B. No. 1295, SD 2, 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 S.B. No. 1295, SD 2, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Morikawa.

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

"Mr. Speaker, I am in opposition, given the implications of giving the counties another superpower to overcome their debt limits. Mr. Speaker, we have home rule, but we also have limitations as to the amount of debt that the state can get into, the amount of debt that counties can get into. And it says it's for infrastructure, but it says it's for other things also. I would bring to the attention of the body that, thanks to David Shapiro in his Sunday article, he mentioned that the city council members are going to now be from their \$68,000 salary, given a \$185,000 salary."

Representative Nakamura rose to a point of order, stating:

"Point of order. Sticking to the subject matter at hand, which is SB 1295."

Representative Ward continued, stating:

"And SB 1295, madam Majority Leader, is an acceptable expense by which this debt limitation can pay for. Let me add one more before you rule me out of order.

"The speaker, or in this case, Tommy Waters, is now paid, I can't believe the amount, it's from \$76,968 to \$194,992. Mr. Speaker, the point is, we're allowing the counties to go more in debt. We already know the nation is probably problematically in debt. We have a governing amount that we can go in debt as a state. But this one says this, like Enron, it goes off the books. The counties can increase their debt, but it doesn't count towards their debt ceiling. Mr. Speaker, that's cooking the books, that's unfair, I think this is giving the noose to the counties for which they are not going to make good use of.

"For those reasons, Mr. Speaker, I think we have to watch this very, very closely. Because indebtedness after COVID is kind of the way to go. And we know the nation is trillions of dollars in debt. I think the state in its balanced budget is wise, but this opens the gap for the counties. Not a good policy. Thank you."

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."

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 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 S.B. No. 1295, SD 2, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTIONS 12 AND 13, OF THE HAWAII CONSTITUTION TO EXPRESSLY PROVIDE THAT THE LEGISLATURE MAY AUTHORIZE THE COUNTIES TO ISSUE TAX INCREMENT BONDS AND TO EXCLUDE TAX INCREMENT BONDS FROM DETERMINATIONS OF THE FUNDED DEBT OF THE COUNTIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Alcos and Matsumoto voting aye with reservations, with Representatives Garcia, Pierick, and Ward voting no, and with Representatives Cochran, Gates, and Lowen being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1336) recommending that S.B. No. 1490, SD 1, 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 S.B. No. 1490, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1337) recommending that S.B. No. 1166, SD 2, 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 S.B. No. 1166, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENEWAL OF DRIVER'S LICENSES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1338) recommending that S.B. No. 35, SD 2 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 S.B. No. 35, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL LEGAL SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

Representative Tarnas, for the Committee on Judiciary & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1339) recommending that S.B. No. 1527, SD 2 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 S.B. No. 1527, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ADDRESS CONFIDENTIALITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Cochran, Gates, and Lowen being excused.

ANNOUNCEMENTS

Representative Holt: "Thank you, Mr. Speaker. Tomorrow is Manufacturing Day from 10:00 a.m. to 1:00 p.m. Thanks to the Chamber of Commerce in partnership with Innovate Hawai'i, we're excited to bring back Manufacturing Day at the State Capitol to showcase many of Hawai'i's great manufacturing companies and the vital role that they play in our state's economy. So, I hope to see you guys all there. Thank you very much."

ADJOURNMENT

At 12:58 p.m., on motion by Representative Morikawa, seconded by Representative Garcia and carried, the House of Representatives adjourned until noon tomorrow, Tuesday, March 21, 2023. (Representatives Cochran, Gates, Lowen, and Matayoshi were excused.)