

SIXTEENTH DAY

Tuesday, February 17, 2015

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, convened at 12:06 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Mr. Logan Araki, Senior at Punahou School and grandson of former Representative George Okuda, after which the Roll was called showing all Members present with the exception of Representative Oshiro, who was excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 208) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 208, dated February 2, 2015, transmitting the Public Utilities Commission's Annual Report for Fiscal Year 2014, pursuant to Section 269-5, HRS.

**KA HUA 'ŌLELO O KA LĀ
HAWAIIAN WORD FOR THE DAY**

Representative Evans presented *Ka Hua 'Ōlelo o Ka Lā*, the Hawaiian Word for the Day, as follows:

"Thank you, Mr. Speaker. The Hawaiian Word for the Day is *holomua*, meaning improvement, progress, success, move forward. *Pupukahi i holomua*. Translation, unite to move forward."

INTRODUCTIONS

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

Representative San Buenaventura introduced visitors from Seattle, Washington: Ms. Margaret Kearney, Mr. Bob Brooks and his wife, Mrs. Caroline Crockett; and visitors from Anchorage, Alaska: Mr. Robert Edwin Paine and Ms. Sheryl Prell. They were here to honor their father, Captain Robert "Aloha Bob" Edwin Paine, Sr., 17-year Navy fighter pilot veteran.

Representative Ito introduced the family of Logan Araki: parents, Mr. Wade Araki, Principal at Kaimuki High School, and Mrs. Kristie Araki, Student Service Coordinator at Kaneohe Elementary; uncle, Mr. Todd Okuda; aunty, Dr. Tammi Chun; and grandpa, Mr. George Okuda.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Takayama, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 236) recommending that H.B. No. 840, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 237)

recommending that H.B. No. 1454, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1454, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 238) recommending that H.B. No. 211 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 211, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS FOR THE HONOLULU FAMILY JUSTICE CENTER," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 1134 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1134, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 401, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 283, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 283, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A GENERAL EXCISE TAX EXEMPTION FOR MIXED-USE HOUSING PROJECTS," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 1354, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1354, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 1089, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1089,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Oshiro being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 244) recommending that H.B. No. 1360, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1360, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 285, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 285, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOHN A. BURNS SCHOOL OF MEDICINE," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 246) recommending that H.B. No. 543 pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 543 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'd like to register a no vote with comments, please. I don't know what happened that day, I can't remember if I walked in late, but I know that the Chair of Higher Education is so efficient, I think he holds UH's feet to the fire all the time, and I think that's what this bill is meant to do, is to make sure that the workload compensation for the professors is adequate for what they're doing.

"My concern is about the auditor doing it, so an audit of the workload for the faculty members as opposed to somebody who has the insight to know each of the fields. UH submitted testimony that they were also concerned that whoever does it needs to have expertise, and UHPA was in opposition to it. Personally I think because I had went through it, one of the things that the auditor did in the previous one was determine that anybody who does a lab as opposed to a lecture needs to be paid two-thirds a credit instead of one. That's something that can be taken care of I think at the collective bargaining level of the negotiation.

"So I guess my recommendation is, since UH is already saying that they're going to start doing it, talking about the workloads, revising the way that they're evaluated, maybe having them just do a report of how their progress is going as opposed to mandating the audit might be helpful, so that we can get somebody with expertise in there to make sure that the workloads are fairly compensated for the professors at UH. 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. 543, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Tupola voting no, and with Representative Oshiro being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 247) recommending that H.B.

No. 900, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 900, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FRAUD," passed Second Reading and was referred to the Committee on Judiciary, with Representative Oshiro being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 248) recommending that H.B. No. 1345, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1345, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 1410, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1410, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE YOUTH CONSERVATION CORPS," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 250) recommending that H.B. No. 837, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 837, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I rise with some reservations and a couple of comments. Mr. Speaker, ivory is a very precious jewelry piece, very precious commodity, but elephants are even more precious than that. Not because of any party symbols, but because of what they stand for, of one of the best animals that have been created in God's kingdom.

"What's going on is wholesale slaughter in places like Kenya and other African places. And fortunately, the United States has banned the import of ivory, it's illegal to have ivory. The problem is that it's slipped through the cracks and it's coming into Hawaii and to other places, and we need to do something about it.

"My problem with this bill is it needs to be written better. It's still got a tincture of anti-small business, some of the presumption that if you have even ivory regardless of where it came from or how you got it, whether it's legitimate, family heirloom, *et cetera*, there's a guilt factor and a shadow that I think we can do better. So as the first iteration, I say, yeah let's go for it, let's do this, but let's do it better. 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. 837, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION OF ANIMALS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ward voting aye with reservations, and with Representative Oshiro being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 251) recommending that H.B. No. 722, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 722, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIPOA POINT," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 252) recommending that H.B. No. 1170, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1170, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND RESOURCES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Oshiro being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 253) recommending that H.B. No. 676, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 676, 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 Oshiro being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 254) recommending that H.B. No. 905, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 905, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 255) recommending that H.B. No. 481, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 481, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 256) recommending that H.B. No. 584, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 584, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Jordan 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. 584, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL," passed Second Reading and was referred to the Committee on Judiciary, with Representative Jordan voting aye with reservations, and with Representative Oshiro being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 257) recommending that H.B. No. 949 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 949, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR HAZARD EVALUATION AND EMERGENCY RESPONSE PREPAREDNESS," passed Second Reading and was referred to the Committee on Finance, with Representative Oshiro being excused.

ANNOUNCEMENTS

Representative McKelvey, for the Committee on Consumer Protection & Commerce, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measure on Wednesday, February 18, 2015, at 3:00 p.m. in Conference Room 325, and the Chair "so ordered."

H.B. No. 484, HD 1, Relating to Energy.

Representative McKelvey: "It was because of an oversight that this was not included in the original hearing notice. Thank you very much."

Representative Tupola: "Thank you, Mr. Speaker. I have an announcement. Representative Pouha has welcomed a new addition to his family over the weekend, and we want to congratulate him."

COMMITTEE REASSIGNMENTS

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

| <u>H.B. Nos.</u> | <u>Re-referred to:</u> |
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| 520 | Committee on Labor & Public Employment, then to the Committee on Finance |
| 522 | Committee on Labor & Public Employment, then to the Committee on Finance |
| 621, HD1 | Committee on Energy & Environmental Protection, then to the Committee on Ocean, Marine Resources, & Hawaiian Affairs |
| 1010 | Committee on Transportation, then to the Committee on Finance |

ADJOURNMENT

At 12:22 o'clock p.m., on motion by Representative Evans, seconded by Representative Tupola and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 18, 2015. (Representative Oshiro was excused.)