

ELEVENTH DAY

Friday, February 5, 2016

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2016, convened at 12:09 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Dr. Jordan Seng, Senior Pastor of Bluewater Mission Church, Honolulu, 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 Ninth and Tenth Days was deferred.

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

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

"Thank you, Mr. Speaker. I am very happy to give the Hawaiian word for the day. The Hawaiian word for the day is *lōkahi*, which means to stand united. *Ho'o lōkahi* is the verb form, which means to bring about unity, to be in agreement.

"I have a note here from Auntie Poni from Representative's Ing Office who said, to quote, 'say something significant about standing united in the Legislature.' So Members, on behalf of Auntie Poni, let's try and practice *lōkahi* as much as we can. Thank you."

INTRODUCTIONS

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

Representative Belatti introduced second grade students from Lincoln Elementary School; teachers, Ms. Liane Sumida, Ms. Vicky Mitsunaga, Ms. Erin Kamemoto; and parent chaperones.

Representative Kawakami introduced from the Transitional Coaching and Development Institute: Mr. Jared Green and his wife, Mrs. Niki Green; and Ms. Sue Crawford.

Representative Fukumoto Chang introduced Dr. Jordan Seng, Pastor of Bluewater Mission, and CEO of Seed Restaurant in Kaimuki.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 35-16) recommending that H.B. No. 1801, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative Saiki 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 Higher Education, seconded by Representative Evans.

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

"Thank you. Strong support, comments to the Journal. Thank you."

Representative McKelvey's written remarks are as follows:

"Mr. Speaker, the University of Hawaii spends approximately \$541 million a year on payroll. Salaries for its 220 or so executive and managerial employees make up \$33 million of that. The Legislature is constantly being told that the university's executive and managerial staff

are overpaid. Mr. Speaker, this bill gives us an opportunity to address salaries of the executive and managerial staff and bring to the limelight the struggle that graduate assistants face at UH.

"Graduate assistants are an integral part of UH's operations. They perform many necessary functions, such as teaching, research, and administrative assistance, without which the university would not be able to operate. Unfortunately, these employees are not compensated fairly for their labor. Currently, base pay for graduate assistants at UHM is \$17,500/year, while UH's website sets the cost of living in Honolulu for graduate students at nearly \$34,000/year in 2012. Additionally, the pay rates for graduate assistants have not been increased since 2003/2004. Since current compensation does not meet those expectations, many graduate assistants must seek out supplementary employment opportunities, which ultimately increases time-to-completion towards degrees, decreases the overall quality of their teaching, research, and administrative work, and ultimately costs the university more.

"According to a recent Star Advertiser article, currently at least seven UH executives earn more than twice the governor's current salary, including the deans of UH Manoa's medical school (\$522,384), law school (\$406,128) and business college (\$384,120). UH President David Lassner is paid \$375,000. In all, 32 executives earn a base salary above \$200,000.

"Under the State Constitution, the UH Board of Regents has 'exclusive jurisdiction' over the university's management and operations. But we as lawmakers have exclusive jurisdiction to decide when a university issue is of such statewide concern that it can override the board.

"Mr. Speaker, I believe that the public sentiment of bloated salaries for the University of Hawaii's executive and managerial staff has become a statewide concern and therefore I support this measure."

Representative Ward rose in support of the measure. [Note: See Stand. Com. Rep. No. 36-16, H.B. No. 1940, HD 1, for remarks.]

Representative Onishi rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to have a ruling on a potential conflict of interest. My wife is currently the acting chancellor for Hawaii Community College. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and report of the Committee was adopted and H.B. No. 1801, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Higher Education, with Representative Say being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 36-16) recommending that H.B. No. 1940, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1940, HD 1 pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative Evans.

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

"If I may, sir. It really relates to 35-16, of which the gentleman from Maui stood up and asked for comments into the Journal, because it is a very creative way of getting graduate students funds.

"With reservations. With reservations, with strong support for 35-16, because of its creativity for fiscal responsibility.

"My reservations on 36-16, that is the graduate students, I feel if we have a productive 35-16, we have no need for 36-16. I.e., generally speaking, graduate students are angry when management doesn't meet their

needs. And a lot of their needs are financial, and 35-16, if it is successful, would take that away. Short of that, Mr. Speaker, I think we are as highly unionized at the University as need be the case for now. Thank you."

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

"Mr. Speaker, I would like to make a comment on 36-16. I have small reservations. I am for collective bargaining. My only comment is, according to the testimony that was presented, they did not do a vote of the students, and for that I am a little bit hesitant on unionizing them, if the majority did not want to be unionized. 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. 1940, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Higher Education, with Representatives San Buenaventura and Ward voting aye with reservations, and with Representative Say being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 37-16) recommending that H.B. No. 1556, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Higher Education, with Representative Say being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 38-16) recommending that H.B. No. 1530, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1530, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL BENEFITS," passed Second Reading and was referred to the Committee on Higher Education, with Representative Say being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 39-16) recommending that H.B. No. 2204, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2204, HD 1 pass Second Reading and be referred to the Committee on Education, seconded by Representative Evans.

Representative Kawakami rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, could I ask for a ruling on a potential conflict? My wife is a teacher. Thank you," and the Chair ruled, "no conflict."

Representative LoPresti rose to disclose a potential conflict of interest, stating:

"Ruling on a potential conflict. My wife is a teacher," and the Chair ruled, "no conflict."

Representative LoPresti continued, stating:

"Can I have it stand for the rest of the session, please? Thank you," 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. 2204, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading

and was referred to the Committee on Education, with Representative Say being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 40-16) recommending that H.B. No. 2311 pass Second Reading and be referred to the Committee on Health.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2311, entitled: "A BILL FOR AN ACT RELATING TO REPORTING DEATHS TO STATE AGENCIES," passed Second Reading and was referred to the Committee on Health, with Representative Say being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 41-16) recommending that H.B. No. 1529, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1529, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Higher Education, with Representative Say being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 42-16) recommending that H.B. No. 1228, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1228, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LEADERS," passed Second Reading and was referred to the Committee on Education, with Representative Say being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 43-16) recommending that H.B. No. 2053 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. 2053 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, slight reservations at this moment in time, and I look forward to hearing the discussion in Finance. 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. 2053, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representative Say being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 44-16) recommending that H.B. No. 2262, 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. 2262, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representative Say being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 45-

16) recommending that H.B. No. 2264, 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. 2264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representative Say being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 46-16) recommending that H.B. No. 1669 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1669 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Choy rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, ruling on a potential conflict. I am a CPA. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1669, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Say being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 47-16) recommending that H.B. No. 1670 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1670 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker, with reservations. I am still wrestling with the notion of no liability for those reviews. Thank you."

Representative Choy rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to have a ruling on a potential conflict for this bill. I am an accountant," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1670, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Ward voting aye with reservations, and with Representative Say being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 48-16) recommending that H.B. No. 33, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 33, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

Representative San Buenaventura rose to disclose a potential conflict of interest, stating:

"Ruling on a conflict. I am a residential landlord," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 33, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," was referred to the Committee on Finance, with Representative Say being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 49-16) recommending that H.B. No. 2259, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2259, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC LEAKAGE," passed Second Reading and was referred to the Committee on Economic Development & Business, with Representative Say being excused.

Representative Rhoads, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 50-16) recommending that H.B. No. 1170, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 50-16 on H.B. No. 1170, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1170, HD 2, were made available to the Members of the House.

Representative McKelvey, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 51-16) recommending that H.B. No. 1507, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 51-16 on H.B. No. 1507, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1507, HD 2, were made available to the Members of the House.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 9 and 10) and concurrent resolutions (H.C.R. Nos. 36 through 38) were referred to Printing and further action was deferred:

H.R. No. 9, entitled: "HOUSE RESOLUTION ENCOURAGING HAWAII'S ELECTRIC UTILITIES TO IMPLEMENT A PROGRAM FOR DONATIONS OF EXCESS ENERGY FROM PHOTOVOLTAIC PANELS," was offered by Representative Ohno.

H.R. No. 10, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TO REVIEW ITS HEALTH INSURANCE COVERAGE FOR RETIREES AND THEIR FAMILY MEMBERS," was offered by Representative Ohno.

H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO CONSIDER BODY AND DASH CAMERA IMPLEMENTATION WITHIN HAWAII LAW ENFORCEMENT STATEWIDE," was jointly offered by Representatives San Buenaventura, Rhoads, Creagan, Johanson, LoPresti, Nakashima, Onishi and Takayama.

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING HAWAII'S ELECTRIC UTILITIES TO IMPLEMENT A PROGRAM FOR DONATIONS OF EXCESS ENERGY FROM PHOTOVOLTAIC PANELS," was offered by Representative Ohno.

H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TO REVIEW ITS HEALTH INSURANCE COVERAGE FOR RETIREES AND THEIR FAMILY MEMBERS," was offered by Representative Ohno.

ADJOURNMENT

At 12:27 o'clock p.m., on motion by Representative Evans, seconded by Representative Pouha and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, February 8, 2016. (Representative Say was excused.)

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, there is a great tradition in this body to have *aloha* shirts on Fridays, to have bow ties on Wednesdays, and as announced in previous sessions, those of you who are proud of the international role that we played in APEC in 2011, we've all been encouraged to wear the APEC shirt, of which I have under my jacket. I know I have spoken to Ty and a few others who have those shirts, Takashi Ohno, and all of those of you who volunteered for APEC that put us on the world stage, and I know some of you believe as I do that we should be the Geneva of the Pacific. So, on Friday, let us remember our international role. Thank you, Mr. Speaker."

Representative DeCoite: "Thank you, Mr. Speaker. I just wanted to announce with the upcoming Valentine's around the corner, we are doing a fundraiser for the Maui Food Bank in Representative Woodson's Room 303 and my Room 405. So if you have a honey, or if you don't, please come and support us. Thank you."

Representative Morikawa: "Thank you, Mr. Speaker. If you remember, about five years ago we had a lot of sick people in the chamber. That's when I was first elected to come here. For me, I thought, hey, why don't we try to do flu shots? And I think a year later or so we started to do this, and I noticed we are much healthier today. So for those of you who are brave enough, we have flu shots today from 12:30 p.m. till 2:00 p.m., Room 329. Thank you, Mr. Speaker."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R.

<u>Nos.</u>	<u>Referred to:</u>
9	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
10	Committee on Labor & Public Employment, then to the Committee on Finance

H.C.R.

<u>Nos.</u>	<u>Referred to:</u>
36	Committee on Judiciary, then to the Committee on Finance
37	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
38	Committee on Labor & Public Employment, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

H.B.

<u>Nos.</u>	<u>Re-referred to:</u>
2353	Committee on Labor & Public Employment, then to the Committee on Finance
2450	Committee on Water & Land, then to the Committee on Judiciary, then to the Committee on Finance