

SIXTEENTH DAY

Tuesday, February 16, 2016

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2016, convened at 12:08 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Representative Justin H. Woodson, after which the Roll was called showing all Members present with the exception of Representative Mizuno, who was excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 12 and 13) were received and announced by the Clerk:

Sen. Com. No. 12, transmitting S.B. No. 2608, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," which passed Third Reading in the Senate on February 12, 2016.

Sen. Com. No. 13, transmitting S.B. No. 2922, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION," which passed Third Reading in the Senate on February 12, 2016.

On motion by Representative Evans, seconded by Representative Pouha and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representative Mizuno was excused.)

S.B. No. 2608
S.B. No. 2922

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

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

"Thank you, Mr. Speaker. Every year I volunteer to help clean the tree tunnel that leads to Koloa town. The road is shut down during this time, and it is only then that you can enjoy the peaceful, quiet, calm, safe, serene and tranquil atmosphere of what we call the *maluhia* tree tunnel. *Kō mākou maluhia*. And let peace be our portion. Thank you, Mr. Speaker."

INTRODUCTIONS

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

Representative Nishimoto, on behalf of Representatives Saiki, Kobayashi, Brower, Say and himself, introduced 9th graders from Kaimuki High School; and their teachers, Mr. Gary Oyler and Ms. Bethany Porter.

Representative Say introduced visitors and family friends from Beijing and Shanghai, China: Mr. and Mrs. Lee, Mr. and Mrs. Wang, and Mr. and Mrs. Zhang; and interpreter, Mr. Michael Chan.

At 12:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:29 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pouha and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Mizuno and Tokioka were excused.)

UNFINISHED BUSINESS

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 281-16) recommending that H.B. No. 799, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 799, HD 2 pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I just want to state my concerns on this. May I submit written comments into the Journal? Thank you."

Representative Jordan's written remarks are as follows:

"I would like to express my reservations on HB 799, HD 2. The purpose of this measure is to amend the Uniform Aeronautics Act to allow the State, its employees, or its independent contractors, while in flight and in furtherance of the State's official duties, to kill wildlife located in remote or inaccessible areas. While the intent of the bill is worthy of praise, the Department of Land and Natural Resources (DLNR) already has authority/autonomy to deal with process of feral game control. As stated in Carty S. Chang's submitted testimony, 'The Department's aerial shooting policies were updated and approved by the Board of Land and Natural Resources in 2006 following a publically vetted process.' With this statement in mind, it should be noted, further cooperative consultation with consumptive resource users should be utilized to minimize any potential conflict, prior to any further changes in the current law/administrative rule."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 799, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM AERONAUTICS ACT," passed Third Reading by a vote of 47 ayes to 2 noes, with Representative Jordan voting aye with reservations, with Representatives DeCoite and McKelvey voting no, and with Representatives Mizuno and Tokioka being excused.

At 12:31 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 799, HD 2

REPORTS OF STANDING COMMITTEES

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 282-16) recommending that H.B. No. 1608, 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. 1608, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 283-16) recommending that H.B. No. 2467 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. 2467, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MICROBE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Mizuno and Tokioka being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 284-16) recommending that H.B. No. 2491, as amended in HD 1, 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. 2491, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, potential conflict. I am a Vietnam veteran."

The Chair addressed Representative Ward, stating:

"No conflict. And henceforth, all bills that deal with Vietnam, will not be in conflict."

Representative Ward continued to speak in support of the measure, stating:

"Hopefully forever and ever. And a brief comment in support. Mr. Speaker and Members, this is likely the last hurrah, if you will. The last time a bill such as this will come before this body, a last time to give the recognition to those almost 2 million that served, 58,000 who died, 153,000 wounded, and Mr. Speaker, there's still unfortunately a number of Vietnam veterans that are homeless.

"The point is, this bill came before this body in the past, it didn't pass. It's not a lot of money, but it's kind of the last hurrah, the last bite at the apple, the last chance to give some dignity to those who actually have been standing on the shoulders of the Gulf war, Afghanistan and Iraqi veterans.

"So on behalf of those, as yourself and others who serve, Mr. Speaker, let's give the Vietnam veterans a final salute and pass this and put it to bed. Thank you, Mr. Speaker."

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

"Mr. Speaker, ruling on a potential conflict of interest. I too am a Vietnam era veteran."

The Chair addressed Representative Onishi, stating:

"No conflict, and henceforth you will not be in conflict relative to Vietnam."

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

"Mr. Speaker, I support this measure with unbridled enthusiasm, and thank those Members in our body who served during that time or that era, whether they were in country, or not. And just for the Members' edification, I have no involvement in this at all due to my career change. My only involvement is as a cheerleader with enthusiasm. 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. 2491, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VIETNAM WAR COMMEMORATION," passed Second Reading and was referred to the

Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 285-16) recommending that H.B. No. 2741, 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. 2741, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY IN THE ARTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 286-16) recommending that H.B. No. 2037, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2037, HD 1 be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In support with some regrets, brief comments. Mr. Speaker, this is a very important international conference. It's going to put Hawaii on the map internationally, it's going to be almost as big as APEC. The whole world of conservation, the best brains and the biggest bodies and organizations will be here.

"The unfortunate thing, Mr. Speaker, we have the right conference with the wrong sponsor. If there's any organization that cannot afford \$4 million to put on this conference, it is DLNR. Mr. Speaker, DLNR is responsible for 3 million acres of ocean, 3 million acres of land, and if it is any typical thing of my district versus other districts, they cannot afford any more cuts than have been taken, and the inability to fill those positions, DOCARE, *et cetera*, is how the conservation of our resources is being diminished, both on land and the sea.

"I think it's more appropriate, Mr. Speaker, if the Finance Committee would consider making the Hawaii Tourism Authority fund this. Not take it out of the organization that can least afford it, but will get all the credit. And Mr. Speaker, you don't have to pay for an organization in order to run it. There are many things coming up where you're not, even though you're the one responsible for doing it, you don't pay for it. Case in point, this year there's going to be two national conventions. The parties are not going to pay for it, the private sector is going to pay for it.

"So I think DLNR can go front and center on the world stage for conservation, but to take it out of their budget I think it is unnecessary. So HTA would be my choice. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support. I do want to highlight that this is coming out of general revenues that would be determined out of Finance, and it will be run through the department. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, brief correction on the former speaker's point. This bill is premised upon the \$4 million that has already been allocated from DLNR. That is the point of my discourse. It's DLNR that's seeded it \$4 million, this one takes another \$4 million to do it. 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. 2037, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WORLD CONSERVATION CONGRESS," was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 287-16) recommending that

H.B. No. 2420, 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. 2420, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII ASSOCIATION OF CONSERVATION DISTRICTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 288-16) recommending that H.B. No. 2027 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. 2027 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Just in strong support. Permission to enter written comments into the Journal. Thank you."

Representative McKelvey's written remarks are as follows:

"Mr. Speaker, infrastructure is one of the biggest issues that governments need to address in their public policies, though the importance that infrastructure plays in people's everyday lives is often taken for granted. I believe wholeheartedly that infrastructure investments such as the development of roads, drainage, communications, information technology, educational institutions, ports and hospitals, are important to economic development and the overall quality of life in the State. The counties and some state agencies have aging and limited infrastructure that have been neglected over time and now require a significant capital improvement investment. Failure to invest means a failure to sustain and develop our Hawaii's social and economic wellbeing."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2027, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE INFRASTRUCTURE CAPACITY BUILDING CONSTRUCTION FINANCING," passed Second Reading and was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 289-16) recommending that H.B. No. 1847, 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. 1847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPORTS AND ENTERTAINMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 290-16) recommending that H.B. No. 1750 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. 1750, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER MANAGEMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 291-16) recommending that H.B. No. 1749 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. 1749, entitled: "A BILL FOR AN ACT RELATING TO WATER MANAGEMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Yamane, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 292-16) recommending that H.B. No. 2235, as amended in HD 1, 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. 2235, HD 1 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:

"With reservations, 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. 2235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HONOKOHAU SMALL BOAT HARBOR," passed Second Reading and was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representatives Mizuno and Tokioka being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 293-16) recommending that H.B. No. 2018 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. 2018, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT PROCESSES AND SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 294-16) recommending that H.B. No. 2209, 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. 2209, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Oshiro 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. 2209, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Oshiro voting aye with reservations, and with Representatives Mizuno and Tokioka being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 295-16) recommending that H.B. No. 2278, 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. 2278, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE TECHNOLOGY SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Mizuno and Tokioka being excused.

THIRD READING**H.B. No. 1044, HD 1:**

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 1044, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Third Reading by a vote of 49 ayes, with Representatives Mizuno and Tokioka being excused.

At 12:41 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1044, HD 1

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 17, 2016, at 2:00 p.m. in Conference Room 325, and the Chair "so ordered."

H.B. No. 2704, HD 1, Relating to Crowdfunding.

Representative McKelvey: "This item was inadvertently left off the agenda. We were intending to hear it all along, so we just want to try to get it back on. Thank you."

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
1684, HD1	Committee on Finance
1901, HD1	Committee on Human Services, then to the Committee on Finance
2006	Committee on Finance
2162, HD1	Committee on Human Services, then to the Committee on Finance
2204, HD1	Committee on Labor & Public Employment, then to the Committee on Finance
2205, HD1	Committee on Education, then to the Committee on Finance
2460, HD1	Committee on Public Safety, then to the Committee on Finance
2494	Committee on Health, then to the Committee on Judiciary
2576	Committee on Finance

ADJOURNMENT

At 12:42 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 tomorrow, Wednesday, February 17, 2016. (Representatives Mizuno and Tokioka were excused.)